

CITY OF NEWPORT BEACH
PLANNING COMMISSION STAFF REPORT

November 17, 2011

Agenda Item: 2

SUBJECT: Newport Beach Country Club (PA2005-140)
1600 & 1602 East Coast Highway

- Mitigated Negative Declaration No. ND2010-008
- Planned Community Development Plan No. PC2005-002
- Transfer of Development Rights No. TD2010-003
- Site Development Permit No. SD2011-002
- Vesting Tentative Tract Map No. NT2005-003
- Limited Term Permit No. XP2011-004
- Development Agreement No. DA2008-001

APPLICANT: Golf Realty Fund, Property Owner

PLANNER: Rosalinh M. Ung, Associate Planner
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INTRODUCTION

On October 20, 2011, the Planning Commission conducted a public hearing on the application submitted by the Golf Realty Fund to redevelop the existing golf clubhouse and tennis club. At the conclusion of the hearing, the Commission expressed general acceptance of the proposed development located on the tennis club portion of the project site (bungalows, villas, tennis courts and tennis clubhouse). The Commission did not provide specific direction regarding the applicant's proposal as it relates to the golf clubhouse and associated parking lot.

RECOMMENDATION

1. Conduct a public hearing; and
2. Adopt Resolution No.____ (Attachment PC1) recommending to the City Council:
 - a) Adoption of Mitigated Negative Declaration No. ND2010-008, an Errata to Mitigated Negative Declaration, and the Mitigation Monitoring and Reporting Program;
 - b) Approval of Planned Community Development Plan No. PC2005-002, as proposed by staff, for the entire 145-acre project site;
 - c) Transfer of Development Rights No. TD2010-003 as proposed by the applicant;
 - d) Approval of Site Development Permit No. SD2011-002 and Limited Term Permit No. XP2011-004, as proposed by the applicant, for the

improvements to the 12-acre tennis club portion of the project site reserving for future consideration the identification of improvements to the 133-acre golf course portion of the project site;

- e) Approval of Vesting Tentative Tract Map No. NT2005-003 as proposed by the applicant; and
- f) Approval of Development Agreement No. DA2008-001.

DISCUSSION

Environmental Review – Mitigated Negative Declaration

The draft Initial Study/Mitigated Negative Declaration, responses to comments received, an Errata to the MND, and the Mitigation Monitoring and Reporting Program are attached to the prior reports. The Commission requested clarifications as to whether there would be potential significant impacts to land use compatibility and aesthetic impacts of the two (2) projects as proposed by the applicant and NBCC, Inc.

The potential land use conflicts between the two (2) projects have been adequately addressed through NBCC's redesign of the project, which includes increased physical separation between the proposed structures as well as enhanced landscaping to provide adequate screening. The architectural styles proposed for the applicants' golf clubhouse ("California Coastal" versus "Americana Prairie") are distinctly different and a matter of preference, and they do not constitute a significant land use conflict nor create incompatibility between land uses under CEQA guidelines. No significant land use conflicts or incompatibility is anticipated.

Response to Commission's comments have been revised and attached as Attachment PC2. Staff believes that the environmental record is adequate, complies with the California Environmental Quality Act and all potential impacts of the project can be mitigated to a less than significant level. If the Commission concurs, staff recommends that the Commission recommend that the City Council adopt the environmental document.

Planned Community Development Plan (PCDP) – Adoption of Staff Alternative

The draft PCDP encompasses the entire 145-acre golf club and tennis sites (Attachment PC3). It provides use and development standards for the golf course, a 35,000 square-foot golf clubhouse including ancillary maintenance facilities, 27 hotel rooms (Bungalows) including the ancillary spa and meeting rooms, five (5) single-family homes (Villas), seven (7) tennis courts, and a 3,725 square-foot tennis clubhouse. The draft PCDP does not set forth an architectural style for any development and it does not fix the design of the parking lot for the golf course and clubhouse. The final architectural

design and the parking lot configuration would be a component of a Site Development Review application.

Transfer of Development Intensity

During the October 20, 2011, hearing on the project, the owner of the Marriott Hotel property, Host Hotels and Resorts, proposed a “use conversion solution” as an alternative to the applicant’s request for a transfer of development intensity. The alternative approach was based upon the eliminated tennis courts’ (17) development intensity being converted to hotel rooms or building floor area. Although traffic is not an issue, staff does not believe the conversion of tennis courts to building floor area is consistent with the General Plan, as there is no available building floor area or hotel room allocation in this General Plan Anomaly area. The attached memorandum provides additional detailed analysis (Attachment PC4).

Site Development Review

The applicant has prepared two (2) comparison site plans (with and without a guard house and perimeter fencing) to illustrate that the applicant’s parking lot layout would work with the larger clubhouse proposed by NBCC, Inc. (Attachment PC5). These comparison site plans are not proposed or requested for approval by the applicant. Both comparison plans provide for the larger NBCC, Inc. clubhouse and required parking. It is not known whether the grades would work and additional information would be necessary to potentially implement such a plan. These plans have been forwarded to NBCC, Inc. and they have indicated that these plans would not work for them.

If the Commission wishes to consider NBCC’s application for a proposed golf clubhouse and parking lot at a subsequent public hearing, staff recommends that the Commission approve the applicant’s Site Development Review application as it relates to the tennis club portion of the site. It would include the 27 hotel rooms (Bungalows) including the ancillary spa and meeting rooms, five (5) single-family homes (Villas), seven (7) tennis courts, and a 3,725 square-foot clubhouse. The golf course, including its ancillary maintenance facilities, the golf clubhouse, including its associated parking lot, the entry drive, and landscaping along Coast Highway would be reserved for future consideration.

Vesting Tentative Tract Map

The applicant’s proposed vesting tentative tract map subdivides tennis club site portion of the project site. It would create separate lots for the five (5) single-family homes, a lot for the proposed hotel, a lot for the tennis club facility, several open space lots, and a lot encompassing the proposed private street that would serve the hotel and homes. Findings for approval of the map are provided in the draft resolution for Planning Commission to consider.

Limited Term Permit

Should the Planning Commission choose to approve only the tennis club portion of the project site, the approval of limited term permit would only be applicable to the temporary modular buildings proposed to accommodate on-going tennis club operation during the 18-month construction period.

Development Agreement

The draft development agreement and a discussion of its contents are provided in a separate report.

Prepared by:



Rosalinh Ung, Associate Planner

Submitted by:



James Campbell, Principal Planner

ATTACHMENTS

- PC 1 Draft Resolution
- PC 2 Revised Response to Planning Commission on Draft MND
- PC 3 Draft Planned Community Development Plan
- PC 4 Conversion of Tennis Courts to Floor Area or Hotel Rooms Memorandum
- PC 5 Comparison Site Plans

Attachment No. PC 1
Draft Resolution

RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH RECOMMENDING ADOPTION OF A MITIGATED NEGATIVE DECLARATION NO. 2010-008 AND APPROVAL OF PLANNED COMMUNITY DEVELOPMENT PLAN ADOPTION NO. PC2005-002, TRANSFER OF DEVELOPMENT INTENSITY NO. 2010-003, VESTING TENTATIVE MAP NO. 2005-003, SITE DEVELOPMENT PERMIT NO. SD2011-002, LIMITED TERM PERMIT NO. 2011-004, AND DEVELOPMENT AGREEMENT NO. 2008-001, FOR THE NEWPORT BEACH COUNTRY CLUB PROPERTY LOCATED AT 1600 & 1602 EAST COAST HIGHWAY (PA2005-140)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Golf Realty Fund, with respect to property located at 1600 & 1602 East Coast Highway, and legally described as Parcels 1 and 3 of Parcel Map No. 79-704 and a Portion of Back Bay Drive as Shown on Parcel Map No. 79-704, requesting an approval to redevelop the existing private golf course and tennis club of the Newport Beach Country Club. The following applications are requested or required in order to implement the project as proposed:
 - a. A Planned Community Development Plan adoption to provide development standards and design guidelines for the golf course and tennis club and their ancillary uses, pursuant to Chapter 20.63 of the Municipal Code.
 - b. Transfer of Development Rights to transfer 27 hotel units from Anomaly No. 43 (Newport Beach Marriott Hotel and Spa site) to Anomaly No. 46 (the Tennis Club site), pursuant to General Plan Land Use Policies LU4.3 and LU6.14.3.
 - c. A Site Development Permit to allow the construction of 35,000 square-foot golf clubhouse and parking lot, twenty-seven (27) hotel units with a 2,170 square-foot concierge and guest meeting facility and a 7,490 square-foot spa/fitness center, five (5) single-unit residential dwellings, a 3,725 square-foot tennis clubhouse, and one lighted stadium-center tennis court, pursuant to the Section 4.3 of the Newport Beach Country Planned Community Development Plan.
 - d. A Vesting Tentative Tract Map to create separate lots for five (5) single-unit residential dwellings, twenty (27) hotel units, lettered lots for common areas and a private street, pursuant to Title 19 of the Municipal Code.
 - e. A Limited Term Permit (Temporary Structures and Uses) to allow temporary use of structures during construction pursuant to Section 20.60.015 of the Municipal Code.

- f. A Development Agreement pursuant to Section 15.45.020.A.2.c of the Municipal Code which requires a development agreement as the project includes a zoning code amendment and new non-residential development in Statistical Area L1 (Newport Center/Fashion Island) and General Plan Land Use Policy LU6.14.8 which requires a development agreement since the proposed project is a mixed-use development project and the proposed five (5) single-family units will be drawn from the 450 residential units allocated for the Newport Center/Fashion Island.
2. The application was deemed complete on November 5, 2009; and pursuant to Ordinance No. 2010-21, the application is being considered and evaluated pursuant to the Zoning Code in effect prior to November 25, 2010.
3. The subject property is designed by the General Plan Land Use Element category of Parks and Recreation (PR) for the Golf Club site and Mixed Use Horizontal 3/Park and Recreation (MU-H3/PR) for the Tennis Club site. The project site is zoned Planned Community (PC-47) Zoning District.
4. The subject property is located within the coastal zone and has the Coastal Land Use Plan designates the site Parks and Recreation (PR) for the Golf Club site and Mixed Use Horizontal 3/Park and Recreation (MU-H3/PR) for the Tennis Club site.
5. Public hearings were held on August 4, 2011, October 20, 2011, and November 17, 2011, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. An Initial Study and Mitigated Negative Declaration have been prepared in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and City Council Policy K-3.
2. The draft Mitigated Negative Declaration was circulated for a 30-day comment period beginning on September 20, 2010, and ending on October 19, 2010. The contents of the environmental document and comments on the document were considered by the Planning Commission in its review of the proposed project.
3. An Errata has been prepared which clarifies and augments data in the document in responses to comments, and supports the conclusions reached in the draft MND. Consistent with CEQA Guidelines section 15073.5(c), recirculation of the MND is not required when new information is added to the MND which merely clarifies, amplifies, or makes insignificant modifications to the MND.

4. On the basis of the entire environmental review record, the proposed project, with mitigation measures, will have a less than significant impact upon the environment and there are no known substantial adverse affects on human beings that would be caused. Additionally, there are no long-term environmental goals that would be compromised by the project, nor cumulative impacts anticipated in connection with the project. The mitigation measures identified and incorporated in the Mitigation Monitoring and Reporting Program are feasible and will reduce the potential environmental impacts to less than significant levels.
5. The Planning Commission finds that judicial challenges to the City's CEQA determinations and approvals of land use projects are costly and time consuming. In addition, project opponents often seek an award of attorneys' fees in such challenges. As project applicants are the primary beneficiaries of such approvals, it is appropriate that such applicants should bear the expense of defending against any such judicial challenge, and bear the responsibility for any costs, attorneys' fees, and damages which may be awarded to a successful challenger.

SECTION 3. FINDINGS.

1. The proposed project is consistent with the General Plan and Coastal Land Use Plan as follows:
 - a. The project site is located within Newport Center/Fashion Island. The Land Use Element of the General Plan designates the golf club site Parks and Recreation (PR) and the tennis club site Mixed Use Horizontal 3/Park and Recreation (MU-H3/PR).

The PR designation allows active public or private recreational uses including parks (both active and passive), golf courses, marina support facilities, aquatic facilities, tennis clubs and courts, private recreation, and similar facilities.

The MU-H3/PR designation on the Tennis Club site provides for the horizontal intermixing of regional commercial office, hotel, single-family and multi-family residential and ancillary commercial uses.
 - b. The General Plan limits total development at the Golf Club site to 35,000 square feet (Anomaly No. 74) and 3,725 square feet and 24 tennis courts at the Tennis Club site (Anomaly No. 46). Residential is also permitted in Anomaly No. 46, in accordance with MU-3/PR designation. The proposed new golf clubhouse is consistent with the General Plan development limit of 35,000 square feet. The existing 3,725 square-foot tennis clubhouse will be replaced with a new tennis clubhouse of same the square footage established for Anomaly No. 46. The five (5) single-unit dwellings will be drawn from the maximum 450 dwelling units that are allowed in the Newport Center/Fashion Island Statistical Area (there are unallocated 20 units remaining at this time).

- d. In order to accommodate the development of the proposed 27 hotel-unit development (bungalows), the applicant is requesting a transfer of 27 un-built hotel units from Anomaly No. 43 (Newport Beach Marriott Hotel & Spa site) to Anomaly No. 46 (Tennis Club site). The proposed transfer is permissible in accordance with General Plan Land Use Policies LU4.3(d) and LU16.14.3.
- e. The Coastal Land Use Plan designates the Golf Club portion of the project site as Parks and Recreation (PR), and the Tennis Club portion of the project site is designated as Mixed Use Horizontal 3/Park and Recreation (MU-H3/PR). The MU-H3/PR designation recognizes the private recreational tennis courts and the potential development of short-term rental visitor accommodations and single-family residential units. Policy 2.1.8-1 allows the horizontal intermixing of short-term rental units and single-family homes with the expanded tennis club facilities. Permitted uses include those permitted by the MU-H3 and PR categories. MU-H3 allows horizontally distributed mix of uses, which may include general or neighborhood commercial, commercial offices, multi-family residential, visitor-serving and marine-related uses, and/or buildings that vertically integrate residential with commercial uses. PR category allows active public or private recreational use including parks (both active and passive), golf courses, marina support facilities, aquatic facilities, tennis clubs and courts, private recreation, and similar facilities. The adoption of planned community district development plan (PCDP) will ensure building design and siting regulations will protect coastal resources, including protection of views, and public access through height, setback, floor area, lot coverage, building bulk, and improved pedestrian access in accordance with Policy 2.2.2-4. The proposed project will provide visitor-serving and recreational facilities as required in Policy 2.3.2-2. The proposed redevelopment of the project site is therefore consistent with the Coastal Land Use designations.
- f. The subject property has a zoning designation of Planned Community (PC-47). This PC zoning designation was adopted in 1997 by Ordinance 97-10, as a part of the City-wide amendment to the districting maps, in order to be consistent with the 1988 General Plan Land Use Element and Zoning Code. The City later assigned the PC with a number of 47 for tracking purposes. A Planned Community Development Plan (development regulations), was not adopted when the PC District zoning designation was assigned to the subject property. The Tennis Club is governed separately by Use Permit No. 1492 and its' subsequent amendments, which is typical when a PC does not have development standards. No use permit was issued on the Golf Club site.
- g. The applicant proposes a PCDP to provide use regulations, density, and intensity of the proposed uses and very specific development regulations (building height, square footage, setbacks, and parking standard) for each use, including architectural styling and a complete internal vehicular and pedestrian circulation system for both the Golf Club and Tennis Club sites. Because the proposed PCDP contains detail and design regulations that are too specific and

provide inflexible standards that are inappropriate for the project implementation and long-term administration, an alternative PCDP has been prepared.

- h. The alternative PCDP contains necessary development regulations to accommodate the Golf Club and Tennis Club sites as a single, cohesive and comprehensive large-scale planned development. The alternative PCDP also provides a requirement that a site development review process be completed for construction of any new major building structure (i.e. clubhouse, residential dwelling unit, hotel unit, spa facility, etc.), and would require consideration and approval by the Planning Commission prior to the issuance of grading or building permit to ensure new development proposals within the PCDP are consistent with the goals and policies of the General Plan and the standards set for in the adopted PCDP.

- 2. Transfer of Development Intensity. General Plan Land Use Policy LU4.3 lists a number of criteria for transfer of development rights. In particular, transfer of development rights in Newport Center/Fashion Island (Statistical Area L1) is governed by Policy LU6.14.3. In accordance with General Plan Land Use Policy LU6.14.3, development rights may be transfer within the Newport Center/Fashion Island with the finding that the transfer is consistent with the intent of the General Plan and the finding that the transfer will not result in any adverse traffic impacts.

Finding:

- A. *The transfer is consistent with the intent of the General Plan.*

Facts in Support of Finding:

- A-1. The transfer of 27 hotel rooms from Anomaly Area 43 to Anomaly Area 46 is consistent with the intent of the General Plan as follows:
 - a. The donor site (The Marriott Hotel) has a General Plan Land Use designation of CV (Visitor Serving Commercial) and the site is developed with 532-room resort hotel. The transfer of 27 un-built hotel units would reduce future development potential from 611 hotel units to 584, without some future transfer of development intensity in Anomaly No. 42. The recipient site (the Tennis Club site) is designated MU-H3/PR that allows commercial uses including hotels, residential uses and recreational uses. The transfer is consistent with the MU-H3 and PR designations and doe not increase the overall development intensity in Statistical Area L1.

Finding:

B. The transfer will not result in any adverse traffic impacts.

Facts in Support of Finding:

- B-1. The twenty-seven hotel units generate 15 A.M., 16 P.M. and 221 average daily trips based upon Institute of Traffic Engineers (ITE) Trip Generation Rates (7th Edition). This increase in traffic is entirely off-set by the traffic associated with the elimination of 17 tennis courts (22 A.M, 56 P.M and 658 average daily trips based upon ITE Trip Generation Rates). As a result, traffic generated by the proposed project would decrease by 389 daily trips, 3 A.M. trips, and 35 P.M. trips.
- B-2 The design regulations for the hotel rooms set forth in the Planned Community Development Plan will ensure that the proposed hotel use and the physical improvements for the hotel rooms will not lend themselves to conversion to higher traffic-generating uses.
3. Site Development Review – The applicant proposes a Site Development Review to allow the redevelopment of the existing golf clubhouse and tennis club, pursuant to the Section 4.3 of the PCDP.

Finding:

A. The Site Development Plan shall be in compliance with all other provisions of the Newport Beach Country Club Planned Community Development Plan.

Facts in Support of Finding:

- A-1. A site development review application has been submitted in accordance to Section 4.0 of the draft PCDP. The portion of the application that applies to the 12-acre tennis club site meets the intent specified in Section 20.52.080 (Site Development Review) of the Municipal Code as the portion of the site based upon the plans provides a coordinated and comprehensive project and will result in a superior built environment thereby creating an amenity for the community. The 133-acre Golf Club site has been reserved for future consideration.

Finding:

B. The Site Development Plan shall be compatible with the character of the neighboring uses and surrounding sites and shall not be detrimental to the orderly and harmonious development of the surroundings and of the City.

Facts in Support of Finding:

- B-1. The portion of the application that applies to the 12-acre tennis club site includes California Coastal architecture, landscaping components, circulation design, all other project components reflected in the site development review application for the development of the tennis club site are compatible with the character of the neighboring uses and surrounding sites. As a result, the proposed development for the tennis club site is not detrimental to the orderly and harmonious development of the surroundings and the City. The 133-acre Golf Club site has been reserved for future consideration.

Finding:

C. The Site Development Plan shall be sited and designed to maximize of aesthetic quality of the Newport Beach Country Club Planned Community Development Plan as viewed from surrounding roadways and properties, with special consideration given to the mass and bulk of buildings and the streetscape on East Coast Highway.

Facts in Support of Finding:

- C-1. The portion of the application that applies to the 12-acre tennis club site provides one and two story building masses that are carefully sited and represent a comprehensive and coordinated plan. The size, mass and location of structures, the architectural detailing, landscaping, circulation, and signage maximize the aesthetic quality of the project. The proposed villas and bungalows are located over 300 feet from East Coast Highway and adequate landscaping and open space separate the proposed development from East Coast Highway. The 133-acre Golf Club site has been reserved for future consideration.

Finding:

D. Site plan and layout of buildings, parking areas, pedestrian and vehicular access ways, landscaping and other site features shall give proper consideration to functional aspects of site development.

Facts in Support of Finding:

- D-1. The site plan proposed for the tennis club site and layout of its buildings, parking areas, pedestrian and vehicular access ways, landscaping, and other site features maximize the functionality of the proposed uses, while avoiding conflicts between uses and activities. The villas, bungalows, tennis club, and each of their related amenities have been carefully designed and sited to function cohesively not only with each other, but also with the existing adjacent golf club uses. The 133-acre Golf Club site has been reserved for future consideration.

4. Vesting Tentative Tract Map. The applicant proposes a vesting tentative tract map on the Tennis Club site to create separate lots for the five (5) single-unit residential dwellings, twenty-seven (27) hotel units, the tennis club facility, their common open space areas and a private street to support the propose uses. In accordance with Section 19.12.070 of the Newport Beach Municipal Code, and the following finding and facts in support of such findings are set forth:

Findings

A. *That the proposed map and the design or improvements of the subdivision are consistent with the General Plan and any applicable specific plan, and with applicable provisions of the Subdivision Map Act and this Subdivision Code.*

Facts in Support of Finding:

- A-1. The project is consistent with the Parks and Recreation designation for the golf club site and Mixed Use Horizontal 3/Park and Recreation (MU-H3/PR) designation for the tennis club site.
- A-2. The Public Works Department has reviewed the proposed tentative map and finds it is consistent with the Newport Beach Subdivision Code (Title 19) and applicable requirements of the Subdivision Map Act.
- A-3. Conditions of approval have been included to ensure compliance with Title 19.

Finding:

B. *That the site is physically suitable for the type and density of development.*

Facts in Support of Finding:

- B-1. The existing site is entirely developed and does not support any environmental resources. The project site is adequate in size to accommodate the proposed development. There are no topographic/geologic constraints.
- B-2. The subject site is located in Newport Center/Fashion Island and currently improved with a private golf course (Newport Beach Country Club) and a private tennis club (former Balboa Bay Racquet Club). Given its location which is adjacent to the Fashion Island mixed-use of retail, office, and residential development and major road intersections, this site is ideal for the development of recreation and mixed use development as allowed by the General Plan Land Use Element.

Findings

C. *That the design of the subdivision or the proposed improvements will not cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision-making body may*

nevertheless approve such a subdivision if an environmental impact report was prepared for the project and a finding was made pursuant to Section 21081 of the California Environmental Quality Act that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

Facts in Support of Finding:

- C-1. A Mitigated Negative Declaration has been prepared and supports a finding that no significant environmental impacts will result with proposed development of the site in accordance with the proposed subdivision map.

Finding:

- D. *That the design of the subdivision or the type of improvements is not likely to cause serious public health problems.*

Facts in Support of Finding:

- D-1. The proposed Tract Map is for the subdivision parcels in order to accommodate the development of the tennis club and courts, five (5) single-unit residential dwellings, and twenty-seven (27) hotel units on the tennis club site. All construction for the project will comply with all Building, Public Works, and Fire Codes, which are in place to prevent serious public health problems.
- D-2. All mitigation measures will be implemented as outlined in the Mitigated Negative Declaration to ensure the protection of the public health.
- D-3. No evidence is known to exist that would indicate that the planned subdivision pattern will generate any serious public health problems.

Finding:

- E. *That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the decision-making body may approve a map if it finds that alternate easements, for access or for use, will be provided and that these easements will be substantially equivalent to easements previously acquired by the public. This finding shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within a subdivision.*

Facts in Support of Finding:

- E-1. No other public easements for access through or use of the property have been retained for use by the public at large.

Finding:

F. *That, subject to the detailed provisions of Section 66474.4 of the Subdivision Map Act, if the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Williamson Act), the resulting parcels following a subdivision of the land would not be too small to sustain their agricultural use or the subdivision will result in residential development incidental to the commercial agricultural use of the land.*

Facts in Support of Finding:

F-1. The property is not subject to the Williamson Act since the subject property is not considered an agricultural preserve and is less than 100 acres.

Finding:

G. *That, in the case of a “land project” as defined in Section 11000.5 of the California Business and Professions Code: (a) there is an adopted specific plan for the area to be included within the land project; and (b) the decision-making body finds that the proposed land project is consistent with the specific plan for the area.*

Facts in Support of Finding:

G-1. The property is not a “land project” as defined in Section 11000.5 of the California Business and Professions Code.

G-2. The project is not located within a specific plan area.

Finding:

H. *That solar access and passive heating and cooling design requirements have been satisfied in accordance with Sections 66473.1 and 66475.3 of the Subdivision Map Act.*

Facts in Support of Finding:

H-1. The proposed Tract Map and improvements are subject to Title 24 of the California Building Code that requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate. The Newport Beach Building Division enforces Title 24 compliance through the plan check and inspection process.

Finding:

I. *That the subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City’s share of the regional housing need and that it balances the housing needs of the region against the public service needs of the City’s residents and available fiscal and environmental resources.*

Facts in Support of Finding:

- I-1. The proposed Tract Map does not involve the elimination of residential units and therefore will not affect the City's ability to meet its share of housing needs.

Finding:

J. *That the discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the Regional Water Quality Control Board.*

Facts in Support of Finding:

- J-1. Waste discharge into the existing sewer system will be consistent with the existing commercial use of the property and does not violate Regional Water Quality Control Board (RWQCB) requirements.
- J-2. Sewer connections have been conditioned to be installed per City Standards, the applicable provisions of Chapter 14.24 (Sewer Connection, Permits), and the latest revision of the Uniform Plumbing Code.

Finding:

K. *For subdivisions lying partly or wholly within the Coastal Zone, that the subdivision conforms with the certified Local Coastal Program and, where applicable, with public access and recreation policies of Chapter Three of the Coastal Act.*

Facts in Support of Finding:

- K-1. The subject property is located in the Coastal Zone and is not located in proximity to nor provides public access to any beaches, shoreline, coastal waters, tidelands, coastal parks or trails. The existing recreational uses (golf course and tennis club) are private and the elimination of 17 tennis courts does not impact use of public recreational opportunities.
5. Development Agreement – According to General Plan Land Use Element Policy LU6.14.8, a development agreement is required since the proposed project is a mixed-use development project and the proposed five (5) single-family units will be drawn from the 450 residential units allocated for the Newport Center/Fashion Island. Furthermore, Municipal Code Section 15.45.020.A.2.c (Development Agreement Required) requires a development agreement as the project includes a zoning code amendment and new non-residential development in Statistical Area L1 (Newport Center/Fashion Island). The development agreement includes all the mandatory elements for consideration and includes public benefits that are appropriate to support conveying the vested development rights.

SECTION 4. DECISION.

1. The Planning Commission of the City of Newport Beach does hereby find, on the basis of the whole record, that there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the Planning Commission's independent judgment and analysis. The Planning Commission hereby recommends that the City Council adopt Mitigated Negative Declaration, including the Mitigation Monitoring and Reporting Program attached as Exhibit "A". The document and all material, which constitute the record upon which this decision was based, are on file with the Planning Department, City Hall, 3300 Newport Boulevard, Newport Beach, California.
2. The Planning Commission finds that judicial challenges to the City's CEQA determinations and approvals of land use projects are costly and time consuming. In addition, project opponents often seek an award of attorneys' fees in such challenges. As project applicants are the primary beneficiaries of such approvals, it is appropriate that such applicants should bear the expense of defending against any such judicial challenge, and bear the responsibility for any costs, attorneys' fees, and damages which may be awarded to a successful challenger.
3. The Planning Commission of the City of Newport Beach does hereby recommend that the City Council adopt Planned Community Development Plan No. PC2005-002 for the entire project site, as depicted in Exhibit "B" attached hereto and incorporated by reference.
4. The Planning Commission of the City of Newport Beach does hereby recommend that the City Council approve Transfer of Development Rights No. TD2010-003, Site Development Review No. SD2011-002 for the improvements to the tennis site only (twenty-seven (27) hotel units with a 2,170 square-foot concierge and guest meeting facility and a 7,490 square-foot spa/fitness center, five (5) single-unit residential dwellings, a 3,725 square-foot tennis clubhouse, and one lighted stadium-center tennis court) , and Limited Term Permit No. XP2011-004 for the temporary modular buildings to be located on tennis site only, subject to the conditions set forth in Exhibit "C", which is attached hereto and incorporated by reference. The 133-acre Golf Club site has been reserved for future consideration.
6. The Planning Commission of the City of Newport Beach does hereby recommend that the City Council approve Development Agreement No. DA2008-001 as attached as Exhibit "D"

PASSED, APPROVED AND ADOPTED THIS 17TH DAY OF NOVEMBER, 2011.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____
Charles Unsworth, Chairman

BY: _____
Bradley Hillgren, Secretary

EXHIBIT "A"

MITIGATION MONITORING AND REPORTING PROGRAM

(All references to the golf course or golf clubhouse are reserved for future consideration)

SC/ PDF/ MM No.	Mitigation Measure	Method of Verification	Timing of Implementation	Applicable Phase(s)	Responsibility
Aesthetics					
SC-1	Prior to the issuance of building permits, the applicant shall prepare a photometric study in conjunction with a final lighting plan for approval by the Planning Division. The site shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, if in the opinion of the Planning Director, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Planning Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.	Approval of photometric study	Prior to issuance of building permit	<u>Tennis Club Site:</u> Phase 2 <u>Golf Club Site:</u> Phase 3	Planning Division
Agricultural and Forest Resources					
No significant impacts are anticipated and no mitigation measures are required.					
Air Quality					
SC-2	Adherence to SCAQMD Rule 402, which prohibits air contaminants or other materials that cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public, or which cause, or have a natural tendency to cause injury or damage to business or property to be emitted within the SoCAB.	Periodic monitoring during construction	During construction activities	<u>Tennis Club Site:</u> Phases 1-4 <u>Golf Club Site:</u> Phases 1-4	Community Development Department
SC-3	Adherence to SCAQMD Rule 403, which sets requirements for dust control associated with grading and construction activities.	Periodic monitoring during construction	During construction activities	<u>Tennis Club Site:</u> Phases 1-4 <u>Golf Club Site:</u> Phases 1-4	Community Development Department
SC-4	Adherence to SCAQMD Rules 431.1 and 431.2, which require the use of low sulfur fuel for stationary construction equipment.	Periodic monitoring during construction	During construction activities	<u>Tennis Club Site:</u> Phases 1-4 <u>Golf Club Site:</u> Phases 1-4	Community Development Department
SC-5	Adherence to SCAQMD Rule 1108, which sets limitations on ROG content in asphalt.	Periodic monitoring during construction	During construction activities	<u>Tennis Club Site:</u> Phases 1-4 <u>Golf Club Site:</u> Phases 1-4	Community Development Department

SC/ PDF/ MM No.	Mitigation Measure	Method of Verification	Timing of Implementation	Applicable Phase(s)	Responsibility
SC-6	Adherence to SCAQMD Rule 1113, which sets limitations on ROG content in architectural coatings.	Periodic monitoring during construction	During construction activities	<u>Tennis Club Site:</u> Phases 2-4 <u>Golf Club Site:</u> Phases 2-4	Community Development Department
SC-7	Adherence to Title 24 energy-efficient design requirements as well as the provision of window glazing, wall insulation, and efficient ventilation methods in accordance with the requirements of the Uniform Building Code.	Submit evidence of compliance during building plan check process	Prior to issuance of building permits	<u>Tennis Club Site:</u> Phases 2-4 <u>Golf Club Site:</u> Phases 3-4	Building Division
Biological Resources					
No significant impacts to biological resources are anticipated; no mitigation measures are required.					
Cultural Resources					
SC-8	A qualified archaeological/paleontological monitor shall be retained by the project applicant who will be present during the grading and landform alteration phase. In the event that cultural resources and/or fossils are encountered during construction activities, ground-disturbing excavations in the vicinity of the discovery shall be redirected or halted by the monitor until the find has been salvaged. The area surrounding any cultural materials or fossils encountered during grading shall also be investigated to determine the extent of the site. Any artifacts and/or fossils discovered during project construction shall be prepared to a point of identification and stabilized for long-term storage. Any discovery, along with supporting documentation and an itemized catalogue, shall be accessioned into the collections of a suitable repository. Curation costs to accession any collections shall be the responsibility of the project applicant.	Submit proof of qualified archaeological/paleontological monitor	Prior to issuance of grading permit	<u>Tennis Club Site:</u> Phase 2 <u>Golf Club Site:</u> Phase 1	Planning Division
MM-1	The City shall provide an opportunity for a Native American representative to monitor excavation activities. The representative shall be determined by the City based on input from concerned Native American tribes (i.e., Gabrielino, Juaneño, and Tongvas).	Submit proof of Native American observer	Prior to issuance of grading permit	<u>Tennis Club Site:</u> Phase 2 <u>Golf Club Site:</u> Phase 1	Planning Division
Geology and Soils					
SC-9	All grading operations and construction shall comply with the applicable City of Newport Beach Grading Code and Grading Manual and the most recent version of the California Building Code.	Periodic monitoring during grading and construction	During grading and construction operations	<u>Tennis Club Site:</u> Phases 1-4 <u>Golf Club Site:</u> Phases 1-4	Building Division

SC/ PDF/ MM No.	Mitigation Measure	Method of Verification	Timing of Implementation	Applicable Phase(s)	Responsibility
SC-10	Prior to issuance of the grading permit, an erosion control plan shall be submitted to and approved by the City's Building Division.	Approval of erosion control plan	Prior to issuance of grading permit	<u>Tennis Club Site:</u> Phases 1-3 <u>Golf Club Site:</u> Phases 1-4	Building Division
SC-11	Prior to issuance of a grading permit, the applicant shall submit a soil engineering report and final geotechnical report to the City's Building Division for approval.	Submittal of soils engineering report and final geotechnical report	Prior to issuance of grading permit	<u>Tennis Club Site:</u> Phase 2 <u>Golf Club Site:</u> Phase 2	Building Division
MM-2	The project shall be designed to incorporate the recommendations included in "Revised Preliminary Geotechnical Design Parameters for the NBCC Planned Community" (April 25, 2008) and "Report of Geotechnical Studies and Review of Vesting Tentative Tract Map No. 15347" (May 2, 2008) prepared by GMU Geotechnical that address site grading, site clearing, compaction, bearing capacity and settlement, lateral pressures, footing design, seismic design, slabs on grade, retaining wall design, subdrain design, concrete, surface drainage, landscape maintenance, etc. The Building Division shall review the grading plan to ensure conformance with recommendations contained in the final geotechnical report.	Submittal of geotechnical reports	Prior to issuance of grading permit	<u>Tennis Club Site:</u> Phase 2 <u>Golf Club Site:</u> Phase 1	Building Division
Greenhouse Gas Emissions					
SC-12	All new buildings shall meet Title 24 requirements.	Submit evidence of compliance during building plan check process	Prior to issuance of building permit	<u>Tennis Club Site:</u> Phase 2 <u>Golf Club Site:</u> Phase 3	Building Division
SC-13	Water conservation design features shall be incorporated into building and landscape designs.	Submit evidence of compliance	Prior to issuance of building permit	<u>Tennis Club Site:</u> Phase 2 <u>Golf Club Site:</u> Phase 2	Planning Division and Public Works Department
PDF-1	Design of buildings shall take into account the location of building air intake to maximize ventilation efficiency and incorporate natural ventilation.	Submit evidence of compliance during plan check process	Prior to issuance of building permit	<u>Tennis Club Site:</u> Phase 2 <u>Golf Club Site:</u> Phase 2	Building Division

SC/ PDF/ MM No.	Mitigation Measure	Method of Verification	Timing of Implementation	Applicable Phase(s)	Responsibility
PDF -2	The buildings shall incorporate energy-conserving heating and lighting systems.	Submit evidence of compliance during building plan check process	Prior to issuance of building permit	<u>Tennis Club Site:</u> Phase 2 <u>Golf Club Site:</u> Phase 2	Building Division
PDF -3	The project shall incorporate fast-growing, low water use landscape to enhance carbon sequestration and reduce water use.	Submit evidence of compliance during landscape plan review and upon field verification	Prior to issuance of building permit	<u>Tennis Club Site:</u> Phase 2 <u>Golf Club Site:</u> Phase 2	Planning Division and Public Works Department
Hazards and Hazardous Materials					
SC-14	Prior to any disturbance of the construction materials within the Golf Clubhouse and/or the Tennis Clubhouse, a comprehensive asbestos containing materials (ACM) and lead based paint (LBP) survey shall be conducted. Any repairs, renovations, removal or demolition activities that will impact the ACM and/or LBP or inaccessible ACM shall be performed by a licensed asbestos contractor. Inaccessible suspect ACM shall be tested prior to demolition or renovation. Proper safety procedures for the handling of suspect ACM and LBP shall be followed in accordance with federal, state and local regulatory requirements federal and California Occupation Safety and Health Administration (OSHA), and Air Quality Management District (AQMD) Rule 1403, which sets forth specific procedures and requirements related to demolition activities involving asbestos containing materials and SCAQMD Regulation X - National Emission Standards For Hazardous Air Pollutants, Subpart M - National Emission Standards For Asbestos, which include demolition activities involving asbestos.	Submit ACM and LBP survey and site inspection	Prior to issuance of demolition permit for buildings	<u>Tennis Club Site:</u> Phase 2 <u>Golf Club Site:</u> Phase 3	Building Division
SC-15	During demolition, grading, and excavation, workers shall comply with the requirements of Title 8 of the California Code of Regulations Section 1532.1, which provides for exposure limits, exposure monitoring, respiratory protection, and good working practice by workers exposed to lead. Lead-contaminated debris and other wastes shall be managed and disposed of in accordance with the applicable provision of the California Health and Safety Code.	Periodic monitoring during demolition and site inspection	During demolition, grading and excavation	<u>Tennis Club Site:</u> Phases 1-4 <u>Golf Club Site:</u> Phases 1-4	Building Division
Hydrology and Water Quality					
SC-16	Prior to issuance of a grading permit, the project applicant shall be required to submit a notice of intent (NOI) with the appropriate fees to the State Water Quality Resources Control Board for coverage of such future projects under the General Construction Activity	Submit evidence of NOI filing	Prior to issuance of grading permit	<u>Tennis Club Site:</u> Phase 2	Building Division and Public Works Department

SC/ PDF/ MM No.	Mitigation Measure	Method of Verification	Timing of Implementation	Applicable Phase(s)	Responsibility
	Storm Water Runoff Permit prior to initiation of construction activity at a future site. As required by the NPDES permit, a Storm Water Pollution and Prevention Plan (SWPPP) will be prepared and will establish BMPs in order to reduce sedimentation and erosion.			<u>Golf Club Site:</u> Phase 1	
SC-17	Prior to issuance of a grading permit, the project applicant shall prepare a Water Quality Management Plan (WQMP) for the project and submit the WQMP to the City of Newport Beach for approval. The WQMP shall specifically identify Best Management Practices (BMPs) that will be used to control predictable pollutant runoff, including flow/volume-based measures to treat the "first flush." The WQMP shall identify at a minimum the routine structural and non-structural measures specified in the Countywide NPDES Drainage Area Master Plan (DAMP), which details implementation of the BMPs whenever they are applicable to a project, the assignment of long-term maintenance responsibilities, and shall reference the locations of structural BMPs.	Approval of WQMP	Prior to issuance of grading permit	<u>Tennis Club Site:</u> Phase 2 <u>Golf Club Site:</u> Phase 1	Building Division and Public Works Department
SC-18	Prior to issuance of a grading permit, the project applicant shall prepare a Storm Water Pollution and Prevention Plan (SWPPP). The SWPPP will establish BMPs in order to reduce sedimentation and erosion and prevent construction pollutants from leaving the site. The project shall also incorporate all monitoring elements as required in the General Construction Permit. The project applicant shall also develop an erosion and sediment control plan to be reviewed and approved by the City of Newport Beach prior to issuance of grading permit.	Submit SWPPP Approval of erosion and sediment control plan	Prior to issuance of grading permit	<u>Tennis Club Site:</u> Phase 2 <u>Golf Club Site:</u> Phase 1	Building Division and Public Works Department
SC-19	Future site grading and construction shall comply with the drainage controls imposed by the applicable building code requirements prescribed by the City of Newport Beach.	Submit evidence of compliance and site inspection	During grading and construction activities	<u>Tennis Club Site:</u> Phases 1-4 <u>Golf Club Site:</u> Phases 1-4	Building Division and Public Works Department
Land Use and Planning					
No significant impacts are anticipated and no mitigation measures are required.					
Mineral Resources					
No significant impacts are anticipated and no mitigation measures are required.					
Noise					
MM-3	During rock crushing operations, a temporary barrier using a pile of accumulated demolition debris or a sound blanket shall be used if a direct line of sight exists between the crusher and any off-site homes.	Show on grading plans and site inspection	During rock crushing operations	<u>Tennis Club:</u> Phases 1-4 <u>Golf Club Site:</u> Phases 1-4	Building Division

SC/ PDF/ MM No.	Mitigation Measure	Method of Verification	Timing of Implementation	Applicable Phase(s)	Responsibility
MM-4	All construction equipment, stationary and mobile, shall be equipped with properly operating and maintained muffling devices.	Show on grading plans and site inspection	During construction activities	<u>Tennis Club Site:</u> Phases 1-4 <u>Golf Club Site:</u> Phases 1-4	Building Division
MM-5	Prior to issuance of a grading permit, a construction schedule shall be developed that minimizes potential project-related and cumulative construction noise levels.	Submit construction schedule and site inspection	Prior to issuance of grading permit	<u>Tennis Club Site:</u> Phases 1-4 <u>Golf Club Site:</u> Phases 1-4	Community Development Department
MM-6	The construction contractor shall notify the residents of the construction schedule for the proposed project, and shall keep them informed on any changes to the schedule. The notification shall also identify the name and phone number of a contact person in case of complaints. The contact person shall take all reasonable steps to resolve the complaint.	Submit evidence of compliance and site inspection	Prior to issuance of grading permit	<u>Tennis Club Site:</u> Phases 1-4 <u>Golf Club Site:</u> Phases 1-4	Building Division
MM-7	Heating, venting, and air conditioning (HVAC) equipment in or adjacent to residential areas shall be shown by computation, based on the sound rating of the proposed equipment, not to exceed an A-weighted sound pressure level of fifty (50) dBA or not to exceed an A-weighted sound pressure level of fifty-five (55) dBA.	Submit evidence of HVAC equipment sound rating (adjacent to residential areas) during building plan check process	Prior to issuance of building permit	<u>Tennis Club Site:</u> Phases 2-4 <u>Golf Club Site:</u> Phases 2-4	Community Development Department
Population and Housing					
No significant impacts are anticipated and no mitigation measures are required.					
Public Services					
No significant impacts are anticipated and no mitigation measures are required.					
Recreation					
No significant impacts are anticipated and no mitigation measures are required.					
Transportation/Traffic					
MM-8	Prior to commencement of each major phase of construction, the Contractor shall submit a construction staging, parking and traffic control plan for approval by the Public Works Department, which shall address issues pertaining to potential traffic conflicts during peak traffic periods, potential displacement of on-street parking, and safety. This plan shall identify the proposed construction staging area(s), construction crew parking area(s), estimated number and types of vehicles that will occur during each phase, the proposed arrival/departure routes and operational	Approval of construction staging, parking and traffic control plan	Prior to commencement of each major phase of construction	<u>Tennis Club Site:</u> Phase 1-4 <u>Golf Club Site:</u> Phases 1-4	Planning Division and Public Works Department

SC/ PDF/ MM No.	Mitigation Measure	Method of Verification	Timing of Implementation	Applicable Phase(s)	Responsibility
	safeguards (e.g. flagmen, barricades, etc.) and hourly restrictions, if necessary, to avoid traffic conflicts during peak traffic periods and to ensure safety. If necessary, the construction staging, parking and traffic control plan shall provide for an off-site parking lot for construction crews which will be shuttled to and from the project site at the beginning and end of each day. The plan shall identify all construction traffic routes. The approved construction staging, parking traffic control plan shall be implemented throughout each major construction phase.				
MM-9	The left turn pocket on Irvine Terrace at the Coast Highway shall be increased in length to a minimum of 100 feet plus transition in order to adequately accommodate left-turn movements.	Construct improvement or provide equivalent bonds	Prior to issuance of building permit	<u>Golf Club Site:</u> Phase 3	Public Works Department
Utilities and Service Systems					
No significant impacts are anticipated and no mitigation measures are required.					

EXHIBIT "B"

NEWPORT BEACH COUNTRY CLUB PLANNED COMMUNITY DEVELOPMENT PLAN

EXHIBIT "C"
CONDITIONS OF APPROVAL

(Project-specific conditions are in italics)

COMMUNITY DEVELOPMENT DEPARTMENT

1. *Development shall be in substantial conformance with Vesting Tentative Tract Map No. NT2005-003, Site Development Review No. SD2011-002 for the improvements to the tennis club portion of the project site only, and Limited Term Permit No. XP2011-004, stamped and dated with the date of this approval (Except as modified by applicable conditions of approval.)*
2. *Vesting Tentative Tract Map No. NT2005-003 is approved for the development located on the Tennis Club site which consists of the subdivision of five (5) single-unit residential dwellings, twenty-seven (27) hotel units and related amenities, the tennis club facility, their common open space areas and a private street.*
3. *Vesting Tentative Tract Map No. NT2005-003 shall expire if the map has not been recorded within the term of Development Agreement No. DA2008-001, unless an extension is otherwise granted.*
4. *Site Development Review No. SD2011-002 is approved for the development of:*
 - a. A 3,725 square-foot tennis clubhouse and one lighted stadium-center tennis court.
 - b. Twenty-seven (27) hotel units with a 2,170 square-foot concierge and guest meeting facility, and a 7,490 square-foot spa/fitness center.
 - c. Five (5) single-unit residential dwellings.
 - d. The 133-acre Golf Club site has been reserved for future consideration. The plans shall be revised to remove all representations of future development on the 133-acre Golf Club site.
5. *Limited Term Permit No. XP2011-004 is limited to the 12-acre Tennis Club site and approved for the use of:*
 - a. *Two (2) temporary modular buildings to accommodate on-going tennis club operation during the 18-month construction of new golf clubhouse. The modular buildings shall be located on the existing tennis courts, shall not interfere with the construction activities or parking, and shall be removed from the Tennis Club site upon completion/occupancy of the new clubhouse.*

6. *Site Development Review No. SD2011-002 and Limited Term Permit No. XP2011-004 shall expire unless exercised within the term Development Agreement No. DA2008-001, unless an extension is otherwise granted.*
7. *Any substantial change to the approved plans, shall require an amendment to Site Development Review No. SD2011-002, Limited Term Permit No. XP2011-004 and/or Vesting Tentative Tract Map No. NT2005-003 or the processing of new permits.*
8. *A minimum of 28 parking spaces shall be provided and maintained for The Tennis Club (tennis courts and clubhouse) as provided on the approved plans.*
9. *A minimum of two (2) enclosed parking spaces shall be provided and maintained for Villas #A, B, and E and a minimum of three (3) enclosed parking spaces shall be provided and maintained for Villas #C & D, as provided on the approved plans. Additionally, each of The Villas (single-unit residential dwellings) shall be provided with an open guest parking space which can be located on the private driveway.*
10. *A minimum of 34 parking spaces shall be provided and maintained for The Bungalows (27-unit hotel development) as provided on the approved plans.*
11. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
12. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
13. Should this business or property be sold or otherwise come under different ownership, any future owners or assignees shall be notified in writing of the conditions of this approval by the current owner or leasing company.
14. This Site Development Review and Limited Term Permit may be modified or revoked by the City Council or Planning Commission should they determine that the proposed development, uses, and/ or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
15. Prior to the issuance of building permits, the applicant shall submit a landscape and irrigation plan prepared by a licensed landscape architect. These plans shall incorporate drought tolerant plantings and water efficient irrigation practices, and the plans shall be approved by the Planning Division and the Municipal Operations Department. All planting areas shall be provided with a permanent underground automatic sprinkler irrigation system of a design suitable for the type and arrangement of the plant materials selected. The irrigation system shall be adjustable based upon either a signal from a satellite or an on-site moisture-sensor. Planting areas adjacent to vehicular activity shall be protected by a continuous concrete curb or similar

permanent barrier. Landscaping shall be located so as not to impede vehicular sight distance to the satisfaction of the Traffic Engineer.

16. All landscape materials and landscaped areas shall be installed and maintained in accordance with the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.
17. Prior to the final of issuance of a certificate of occupancy, the applicant shall schedule an inspection by the Planning Division to confirm that all landscaping was installed in accordance with the approved plan.
18. Reclaimed water shall be used for all landscape areas.
19. Water leaving the project site due to over-irrigation of landscape shall be minimized to the maximum extent feasible.
20. Watering of landscape areas shall be done during the early morning or evening hours (between 4:00 p.m. and 9:00 a.m.).
21. Water shall not be used to clean paved surfaces such as sidewalks, driveways, parking areas, etc. except to alleviate immediate safety or sanitation hazards.
22. Prior to issuance of any permit for development, approval from the California Coastal Commission shall be required.
23. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the Newport Beach Municipal Code. The maximum noise shall be limited to no more than depicted below for the specified time periods unless the ambient noise level is higher:

	Between the hours of 7:00AM and 10:00PM		Between the hours of 10:00PM and 7:00AM	
Location	Interior	Exterior	Interior	Exterior
Residential Property	45dBA	55dBA	40dBA	50dBA
Residential Property located within 100 feet of a commercial property	45dBA	60dBA	45dBA	50dBA
Mixed Use Property	45dBA	60dBA	45dBA	50dBA
Commercial Property	N/A	65dBA	N/A	60dBA

24. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday and 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities are not permitted outside of these hours or on Sundays or Holidays.

25. The applicant shall ensure that the trash dumpsters and/or receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters, if deemed necessary by the Community Development Department. Cleaning and maintenance of trash dumpsters shall be done in compliance with the provisions of Title 14, including all future amendments (including Water Quality related requirements).
26. Storage outside of buildings or within the parking lot of the property shall be prohibited, with the exception of the required trash container enclosure.
27. A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.
28. All proposed signs shall be in conformance with the provision of the Newport Beach Country Club Planned Community Development Plan and Chapter 20.42 of the Newport Beach Municipal Code and shall be reviewed and approved by the City Traffic Engineer if located adjacent to the vehicular ingress and egress.
29. The final location of the signs shall be reviewed by the City Traffic Engineer and shall conform to City Standard 110-L to ensure that adequate vehicular sight distance is provided.
30. Lighting shall be in compliance with applicable standards of the Newport Beach Country Club Planned Community Development Plan and Section 20.30.070 of the Newport Beach Municipal Code. Exterior on-site lighting shall be shielded and confined within site boundaries. No direct rays or glare are permitted to shine onto public streets or adjacent sites or create a public nuisance. "Walpak" and up-lighting type fixtures are not permitted. Parking area lighting shall have zero cut-off fixtures.
31. The entire development shall not be excessively illuminated based on the outdoor lighting standards contained within Section 20.30.070 of the Newport Beach Municipal Code, or, if in the opinion of the Community Development Director, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Community Development Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
32. Prior to the issuance of a building permit, the applicant shall prepare photometric study in conjunction with a final lighting plan for approval by the Planning Division. The survey shall show that lighting values are "1" or less at all property lines.
33. Prior to issuance of the certificate of occupancy or final of building permits on the Tennis Club site the applicant shall schedule an evening inspection by the Code Enforcement Division to confirm control of all lighting sources.
34. Kitchen exhaust fans for the clubhouses shall be installed/maintained in accordance

with the Uniform Mechanical Code and with pollution control units to filter and control odors.

35. *The construction and equipment staging area for each phase of the development shall be located in the least visually prominent area on the site and shall be properly maintained and/or screened to minimize potential unsightly conditions.*
36. *A screen and security fence that is a minimum of six feet high shall be placed around the construction site during construction for each phase of the development.*
37. *Construction equipment and materials shall be properly stored on the site when not in use for each phase of the development.*
38. Prior to the issuance of any building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
39. Prior to the issuance of any building, the applicant shall pay all applicable development fees (i.e. school, in-lieu park, fair share, and transportation corridor agency), unless otherwise addressed separately in the Development Agreement.
40. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Newport Beach Country Club development including, but not limited to Planned Community Development Plan No. PC2005-002, Vesting Tentative Tract Map No. NT2005-003, Transfer of Development Rights No. TD2010-003, Development Agreement No. DA2008-001, Limited Term Permit No. XP2011-004, Mitigated Negative Declaration No. ND2010-008, and Site Development Permit No. SD2011-002. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.
41. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. Approval from the Orange County Health Department is required prior to the issuance of a building permit.

42. Prior to the issuance of grading permits for development, a Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI) to comply with the General Permit for Construction Activities shall be prepared, submitted to the State Water Quality Control Board for approval and made part of the construction program. The project applicant will provide the City with a copy of the NOI and their application check as proof of filing with the State Water Quality Control Board. This plan will detail measures and practices that will be in effect during construction to minimize the project's impact on water quality.
43. Prior to issuance of grading permits for development, the applicant shall prepare and submit a Water Quality Management Plan (WQMP) for the proposed project, subject to the approval of the Building Division and Code and Water Quality Enforcement Division. The WQMP shall provide appropriate Best Management Practices (BMPs) to ensure that no violations of water quality standards or waste discharge requirements occur.
44. A list of "good house-keeping" practices will be incorporated into the long-term post-construction operation of the site to minimize the likelihood that pollutants will be used, stored or spilled on the site that could impair water quality. These may include frequent parking area vacuum truck sweeping, removal of wastes or spills, limited use of harmful fertilizers or pesticides, and the diversion of storm water away from potential sources of pollution (e.g., trash receptacles and parking structures). The Stage 2 WQMP shall list and describe all structural and non-structural BMPs. In addition, the WQMP must also identify the entity responsible for the long-term inspection, maintenance, and funding for all structural (and if applicable Treatment Control) BMPs.
45. The applicant shall comply with SCAQMD Rule 403 requirements as follows:

Land Clearing/Earth-Moving

- a. Exposed pits (i.e., gravel, soil, dirt) with five percent or greater silt content shall be watered twice daily, enclosed, covered, or treated with non-toxic soil stabilizers according to manufacturers' specifications.
- b. All other active sites shall be watered twice daily.
- c. All grading activities shall cease during second stage smog alerts and periods of high winds (i.e., greater than 25 mph) if soil is being transported to off-site locations and cannot be controlled by watering.
- d. All trucks hauling dirt, sand, soil, or other loose materials off-site shall be covered or wetted or shall maintain at least two feet of freeboard (i.e., minimum vertical distance between the top of the load and the top of the trailer).
- e. Portions of the construction site to remain inactive longer than a period of three months shall be seeded and watered until grass cover is grown or otherwise stabilized in a manner acceptable to the City.

- f. All vehicles on the construction site shall travel at speeds less than 15 mph.
- g. All diesel-powered vehicles and equipment shall be properly operated and maintained.
- h. All diesel-powered vehicles and gasoline-powered equipment shall be turned off when not in use for more than five minutes.
- j. The construction contractor shall utilize electric or natural gas-powered equipment instead of gasoline or diesel-powered engines, where feasible.

Paved Roads

- k. All construction roads internal to the construction site that have a traffic volume of more than 50 daily trips by construction equipment, or 150 total daily trips for all vehicles, shall be surfaced with base material or decomposed granite, or shall be paved.
- l. Streets shall be swept hourly if visible soil material has been carried onto adjacent public paved roads.
- m. Construction equipment shall be visually inspected prior to leaving the site and loose dirt shall be washed off with wheel washers as necessary.

Unpaved Staging Areas or Roads

- n. Water or non-toxic soil stabilizers shall be applied, according to manufacturers' specifications, as needed to reduce off-site transport of fugitive dust from all unpaved staging areas and unpaved road surfaces.

FIRE DEPARTMENT

- 46. Automatic fire sprinklers shall be required for all new construction that exceeds 5,000 square feet in size, is located more than 150 feet from an approved fire access road, and/or based on occupancy classification. The sprinkler system shall be monitored by a UL certified alarm service company.
- 47. All buildings may require a fire alarm system depending upon occupancy classification.
- 48. Fire hydrant(s) shall be provided every 300 feet along fire access road. The number and location of the fire hydrant shall be determined by the Fire Department.
- 49. Fire Department turnarounds shall have a minimum diameter of 80 feet with no parking allowed.
- 50. All elevators shall be gurney accommodating.

51. The use or storage of portable propane heaters is prohibited. Heaters for future outdoor areas shall be fixed and plumbed with natural gas.

PUBLIC WORKS DEPARTMENT

52. The Final Tract Map shall be legible, scaled, dimensioned, and complete with all necessary pertinent information and details such as easement limits and descriptions; annotated lot lines, centerlines, and boundary lines; signature certificates; curve and line tables; etc.
53. The Final Tract Map shall be prepared on the California coordinate system (NAD88). Prior to Map recordation, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said Map in a manner described in the Orange County Subdivision Code and Orange County Subdivision Manual. **The Final Tract Map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.**
54. Prior to recordation, the Final Map boundary shall be tied onto the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one inch iron pipe with tag) shall be set On Each Lot Corner unless otherwise approved by the City Engineer. Monuments shall be protected in place if installed prior to completion of construction project.
55. A hydrology and hydraulic study and a master plan of water, sewer and storm drain facilities for the on-site improvements shall be prepared by the applicant and approved by the Public Works Department prior to Final Tract Map recordation.
56. Easements for public emergency and security ingress/egress, weekly refuse service, and public utility purposes on all private streets shall be dedicated to the City.
57. No structures shall be constructed within the limits of any utility easements.
58. All easements shall be recorded as a part of the Final Tract Map.
59. All applicable fees shall be paid prior to the City approval of the Final Tract Map.
60. Construction surety in a form acceptable to the City, guaranteeing the completion of the various required public improvements, shall be submitted to the Public Works Department prior to the City approval of the Final Tract Map.
61. Street, drainage and utility improvements shall be submitted on City standard improvement plan formats. All plan sheets shall be sealed and signed by the California licensed professionals responsible for the designs shown on the Plans.

-
62. All improvements shall be designed and constructed in accordance with the current edition of the City Design Criteria, Standard Special Provisions, and Standard Drawings.
 63. All storm drain and sanitary sewer mains shall be installed with MacWrap.
 64. All runoff discharges shall comply with the City's water quality and on-site non-storm runoff retention requirements.
 65. New concrete sidewalks, curbs, gutters, curb disabled access ramps, roadway pavement, traffic detector loops, traffic signal devices, and street trees shall be installed along the development's Coast Highway frontage.
 66. Public improvements may be required along the development's Granville Drive frontage upon building permit plan check submittal.
 67. All on-site drainage, sanitary sewer, water and electrical systems shall be privately owned, operated, and maintained.
 68. All curb return radii shall be 5-feet (5') minimum.
 69. Each dwelling unit or bungalow building shall be served with an individual water service and sewer lateral connection.
 70. All overhead utilities serving the entire proposed development shall be made underground.
 71. ADA compliant curb ramps shall be installed within the interior parking area.
 72. The intersection of the public streets, internal roadways, and drive aisle shall be designed to provide adequate sight distance per City of Newport Beach Standard Drawing STD-110-L. Slopes, landscaping, walls, signs, and other obstructions shall be considered in the sight distance requirements. Landscaping within the sight lines (sight cone) shall not exceed 24-inches in height and the monument identification sign must be located outside the line of sight cone. The sight distance may be modified at non-critical locations, subject to approval by the Traffic Engineer.
 73. Any damage to public improvements within the public right-of-way attributable to on-site development may require additional reconstruction within the public right-of-way at the discretion of the Public Works Inspector.
 74. The parking lot and vehicular circulation system shall be subject to further review and approval by the City Traffic Engineer. Parking layout shall be per City Standard STD 805-L-A and STD 805-L-B. Parking layout shall be full dimensioned. On-street parking spaces shall be 8 feet wide by 22 feet long. Drive aisles to parking areas shall be 26 feet wide minimum. The one-way drive aisle adjacent to The Bungalow's

concierge office and guest meeting building shall be 14 feet wide minimum with no parking, otherwise the drive aisle shall be widened to accommodate parking.

75. Cul-de-sacs shall comply with City Standard STD-102-L and STD-103-L and shall have a minimum diameter of 80 feet curb to curb.

MITIGATION MEASURES

76. The applicant shall comply with all mitigation measures and standard conditions contained within the approved Mitigation Monitoring and Reporting Program of the adopted Mitigated Negative Declaration (Exhibit "A") for the project.

EXHIBIT "D"
DEVELOPMENT AGREEMENT

Attachment No. PC 2

Revised Response to Planning
Commission on Draft MND

**Response to Comments - Golf Realty Fund
Newport Beach Planning Commission
August 4, 2011 (Revised November 17, 2011)**

PC Comments on the Golf Realty Fund (O'Hill) project:

Comment No. 1

Address the land use impacts of the two projects (i.e., interface and cumulative impacts)

Response to Comment No. 1

The relationship between the two projects ("the GRF Plan" and "the IBC Plan") has evolved in several respects. In reviewing this relationship, it is important to note that the IBC Plan includes only the golf clubhouse and the golf club parking lot, while the GRF Plan includes the golf areas, but also proposes Bungalows (hotel units), the Tennis Club (private recreational use), and the Villas (five single family residences) on property immediately adjacent to the golf club portion of the Planned Community.

Potential land use conflicts between the IBC Plan and the GRF Plan were considered in the revised golf clubhouse in the IBC Plan. These revisions have resulted in greater physical separation between the golf clubhouse and GRF's proposed Bungalows, Tennis Club, and Villas. The porte cochere in the original IBC Plan was 260' from the GRF's closest Villa, while the revised IBC Plan shows the distance at 315'. The nearest Bungalow structure is now proposed to be 165 feet from the porte cochere, compared to approximately 128 feet in the previous IBC Plan. There also is a 95-foot separation between the nearest Bungalow and the bag drop area near the porte cochere, compared to approximately 57 feet in the prior IBC Plan. In addition, IBC has modified the footprint of the golf clubhouse so that the nearest Bungalow structure will be about 131 feet from the clubhouse, or approximately the same distance as the prior IBC Plan (134 feet). When compared to the previously proposed IBC Plan, the increased physical separation of these uses, combined with the landscaping proposed for IBC's revised golf clubhouse, would "soften" the land use interface between IBC's proposed golf course clubhouse and GRF's proposed adjacent Bungalow and residential uses. As a result, potential land use conflicts between the two projects have been adequately addressed through redesign of the IBC project, which includes increased physical separation between the proposed structures as well as enhanced landscaping to provide adequate screening. Therefore, no significant land use conflicts or incompatibility is anticipated and no mitigation measures are required.

The parking lot design of the two proposals differs in ways that the two applicants each believe are important. The IBC Plan shows parking lanes running perpendicular to the golf clubhouse, whereas the GRF plan shows those lanes running parallel to the golf clubhouse. The IBC Plan directs circulation for both automobiles and golf carts from the clubhouse area down ramps to the southern end of the parking lot in order to enter the parking lot circulation pattern. The GRF Plan provides access to the parking lot circulation pattern at the northern end of the parking lot closest to the golf clubhouse. IBC believes that its circulation pattern best serves the needs of its members and guests and will function efficiently and effectively, while GRF believes that its circulation pattern is more convenient for members and guests, will avoid congestion within the parking field and at the entrance to the Planned Community, and, therefore, will be more compatible with other uses (such as the Bungalows, Tennis Club, and Villas) within the Planned Community.

Another area where questions have been raised with respect to compatibility between the plans is architectural style. The GRF Plan proposes consistent architectural style throughout the Planned Community, including the golf clubhouse, and specifically identifies "California Coastal" as the

architectural theme. The IBC Plan proposes Prairie-style architecture for the golf clubhouse. While the character created by the two differing architectural styles is distinctly different, the difference does not constitute a significant land use conflict nor create incompatibility between land uses under CEQA. The issue of architecture is related to project design, which is subject to site plan and design review by the City and, ultimately, the Planning Commission and City Council. As previously indicated, no significant land use conflicts and/or incompatibility would occur between the golf clubhouse proposed by IBC and the mixed use development (i.e., bungalow/spa, tennis club, and single-family residential) proposed to the east.

Additionally, the size and location of the golf clubhouse differ in the two plans. Cross Sections comparing the GRF Plan with the IBC Plan illustrate the differences between the two projects. Exhibit 1 illustrates the relationship of GRF's proposed golf course clubhouse to the existing clubhouse when viewed from the east. Based on that comparison, the maximum height of the proposed clubhouse is 53' 6", compared to the approximately 22-foot height of the existing clubhouse. GRF's proposed clubhouse is located approximately 424 feet north of East Coast Highway, or approximately 80 farther north than the existing clubhouse at 344 feet from that arterial. IBC's proposed clubhouse is approximately 300 feet from East Coast Highway and approximately 44 feet closer to East Coast Highway than the existing golf clubhouse. When viewed from East Coast Highway (refer to Exhibit 2), GRF's proposed clubhouse is approximately the same width as the existing clubhouse (i.e., 265 feet wide versus 262 feet wide), whereas IBC's proposed clubhouse is approximately 44% wider (378 feet wide versus 262 feet wide). The relative differences between the two proposed golf course clubhouses and the existing NBCC clubhouse is presented in Table 1.

Table 1

Height/Width Analysis

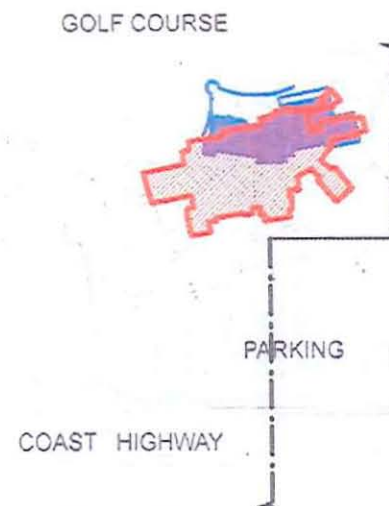
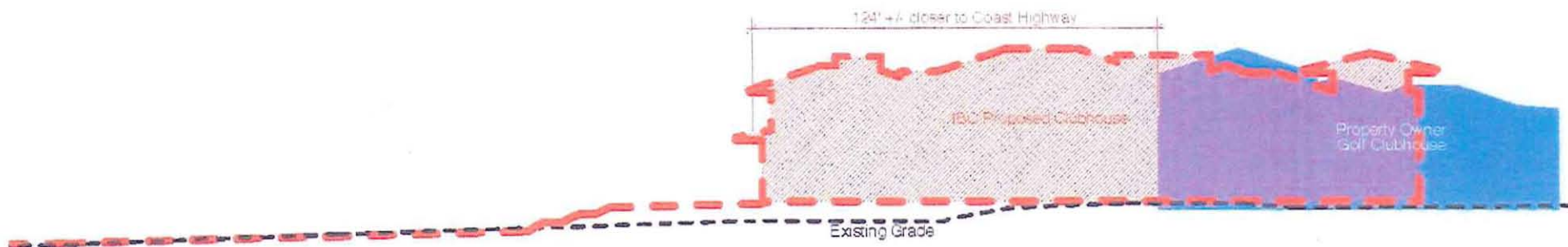
	Existing Clubhouse	GRF Clubhouse Proposal	IBC Clubhouse Proposal
Height at Peak ¹	22 Feet +/-	53.5 Feet	52 Feet +/-
Distanced from PCH	344 Feet	424 Feet	300 Feet
Width as seen from PCH ²	262 Feet	265 Feet	378 Feet
¹ As measured from lowest existing grade directly below point. ² Width measured parallel to East Coast Highway.			
SOURCE: Golf Realty Fund			

Comment No. 2

Assess the proposed Golf Realty Fund Planned Community Development Plan

Response to Comment No. 2

The GRF Plan would amend the existing Planned Community No. 47 (Newport Beach Country Club Planned Community), which was adopted in 1997 by Ordinance 97-10. It is important to note that No. 47 that was assigned to the PC for the purpose of tracking and a Planned Community Development Plan was not adopted when the PC District zoning designated was assigned to the 145-acre property, including the Armstrong Nursery property, which is not included as part of the proposed project.

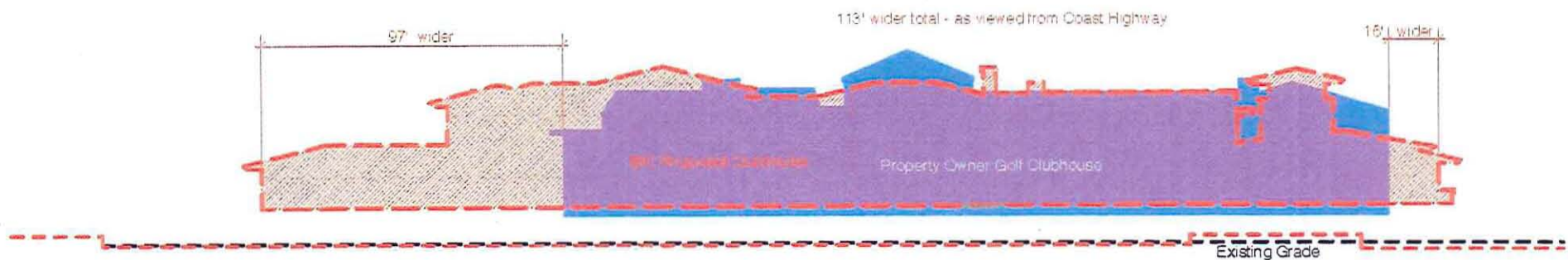


GOLF CLUBHOUSE SITE SECTION COMPARISONS

NEWPORT BEACH COUNTRY CLUB



updated 10/26/2011



GOLF COURSE



GOLF CLUBHOUSE SITE SECTION COMPARISONS

NEWPORT BEACH COUNTRY CLUB



updated 10/3/2011

The GRF Plan is intended to establish the development standards and design guidelines for the proposed project. As originally submitted, GRF's Planned Community Development Plan (the "GRF PCDP") included use regulations, development density and intensity parameters for the proposed uses and very specific development regulations (e.g., building height, floor area, setbacks, and parking) for each of the proposed uses. (Note: The Tennis Club and Armstrong Nursery are currently governed separately by the use permits approved for each.) The GRF PCDP prescribes specific architectural character and design for all of the structures, including the golf clubhouse, the Bungalows, the Tennis Club, and the Villas. In addition, the GRF PCDP also establishes detailed standards for the internal circulation, including pedestrian and vehicular systems proposed within the three distinct elements of the proposed project. Finally, the GRF PCDP, as originally submitted, includes the detailed site plan, elevations, and floor plans for each of the land use components, landscape plan and lighting plan. If adopted, the GRF PCDP will regulate development within the proposed project.

Comment No. 3

Assess the potential impacts of eliminating 17 tennis courts

Response to Comment No. 3

According to the property owner, the licensee of the existing private Tennis Club also operates two other Tennis Clubs. The Toluca Lake Tennis Club maintains 7 tennis courts that support a membership of 350 members, resulting in an average of 50 members for each tennis court. In addition, Palisades Tennis Club in Newport Beach, also with 7 courts, has a membership of 224 and a per court ratio of 32 members/court. The applicant has suggested a ratio of one tennis court for each 35 members. The current membership of the existing Tennis Club combined with the 7 tennis courts that are proposed to remain (i.e., elimination of 18 existing tennis courts and a new "center court") would yield a ratio of 31 members per court. Based on the recommended members-to-tennis courts ratio (35:1), the "proposed" Tennis Club could support 46 additional members, for a total of 245 members. As a result, no significant impacts would be anticipated to occur.

As indicated in the project description and above, implementation of the proposed project would result in the elimination of 18 of the 24 tennis courts that currently exist on the subject property, leaving only seven tennis courts, including one new "center court." As a private club, the existing tennis courts are not generally available for public play. While the club has allowed the Corona del Mar and Sage Hill tennis teams to use the facilities, use of the facilities by those teams was a temporary accommodation to allow the schools to complete work on their own courts. Nonetheless, as reflected in the Recreation Element of the City's General Plan, "... private facilities, including yacht clubs, golf courses, and country clubs are also facilities that serve residents of Newport Beach." As such, it may be true that private recreation facilities such as the existing tennis facility could serve to "offset," to some degree, the demand for public recreation through the availability of the private tennis courts to a limited segment of the population within the City of Newport Beach and nearby areas.

According to the Newport Beach Recreation Element, two recreational service areas have adequate parkland and/or recreation facilities: Service Area No. 9 (Newport Center) and Service Area No. 11 (Harbor View). The proposed project is located within Service Area No. 9 as illustrated in Figure R11 in the Recreation Element. As of June 2005, two (public) recreational facilities exist within this service area, including the Back Bay View Park and the Newport Dunes Aquatic Park, which together encompass 19.1 acres. Based on the 2005 population within this service area, a total of only 10.9 acres of parkland is required, resulting in a net surplus of 8.1 acres of public parkland in Service Area No. 9.

Although the existing tennis courts may provide some recreational opportunities within the service area, the (net) loss of 17 of the 24 tennis courts would not be considered a significant adverse impact. This is due to the fact that the ongoing use of the Tennis Club will continue to be limited to members and their guests and, as discussed above, are expected to adequately serve those needs. In addition, the elimination of the tennis courts is not considered to be significant in light of the Recreation Element determination that no deficiency in parkland and/or recreational facilities exists or is anticipated to occur within Service Area No. 9.

As evaluated in the initial study and elaborated upon in various responses to comments, implementation of the proposed project would not substantially increase the use of existing neighborhood and regional parks and/or cause the substantial physical deterioration of any park facility. Furthermore, based on the findings in the Newport Beach Recreation Element, the project would not require the construction of or expansion of recreational facilities. Therefore, for the reasons cited above, the reduction in the number of courts would not be expected to deprive the public of playing opportunities, overburden the club, or place an increased demand on public facilities. As a result, no additional recreational facilities beyond those identified above within the service area, including tennis facilities, are necessary within the designated recreational service area.

Comment No. 4

Assess the aesthetic impacts of the elevations, perspectives, and cross sections for the project

Response to Comment No. 4

The character of the proposed project is illustrated in several elevations. As indicated in Exhibit 3 and Exhibit 4, GRF's proposed golf course clubhouse reflects a California Coastal architectural style.

The proposed Bungalows, Tennis Club clubhouse, and Villas would reflect a similar character and style as illustrated in elevations shown in Exhibit 5 (Tennis Clubhouse and Bungalow Spa) and Exhibit 6 and Exhibit 7 (Villas - Plans A and B), resulting in a fully integrated character of each of the land use components within the Planned Community. The architectural style for all of the proposed Villa dwelling units will be similar to Units A and B.

A panoramic view of the ocean is available from the top of Newport Center Drive circle straight ahead down Newport Center Drive towards Coast Highway. However, only "peek-a-boo" ocean view now exists from Newport Center Drive across the site of the Planned Community. Referencing Exhibits 8, 9, and 10, that narrow view occurs between the last Granville Condominium unit and the McMonigle Group office building (refer to Exhibit 8, "View from Point 1") and after the McMonigle Group office building located at the intersection of Newport Center Drive and the private Granville Road (refer to Exhibit 10, "View from Point 3"). The improvements proposed by GRF would not result in any significant visual impact on the "View from Point 1," and only a barely perceptible change in the "View from Point 3," which would also have a less than significant impact on the visual/aesthetic character of the area.

The GRF Plan would also result in less than significant impacts on the Public View Point in Irvine Terrace Park. The only significant public view from Irvine Terrace Park is oriented toward Newport Bay and the Pacific Ocean. Because the NBCC PCD is located on the inland side of Coast Highway from Irvine Terrace Park, that view cannot and would not be impacted. Furthermore, the wall buffering Irvine Terrace Park from Coast Highway, together with the buildings in Corporate Plaza West and the existing landscaping, makes the Golf Club Parking Lot the only area within the Planned Community visible from Irvine Terrace Park (refer to Exhibit 11, "View from Point 4"). The view of the Golf Club Parking Lot would be improved aesthetically as a result of a large landscaped berm along Coast Highway and four rows of perpendicular landscaping in the Golf Club Parking Lot. As a result, no significant visual impacts would

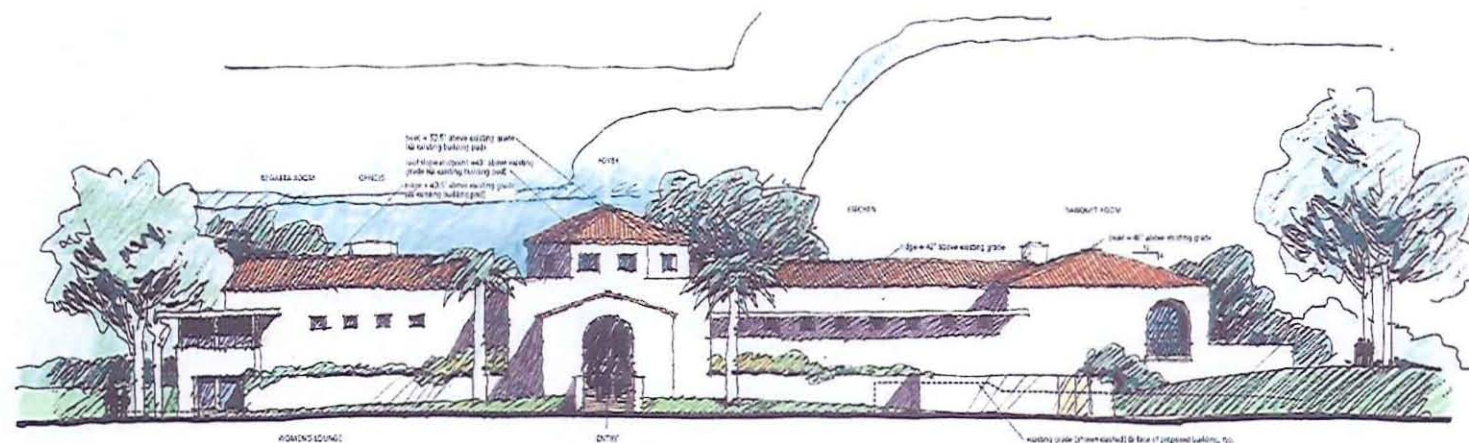
occur from this view location. Overall, implementation of the proposed project would not result in any significant visual impacts; no mitigation measures are required.

GOLF CLUBHOUSE

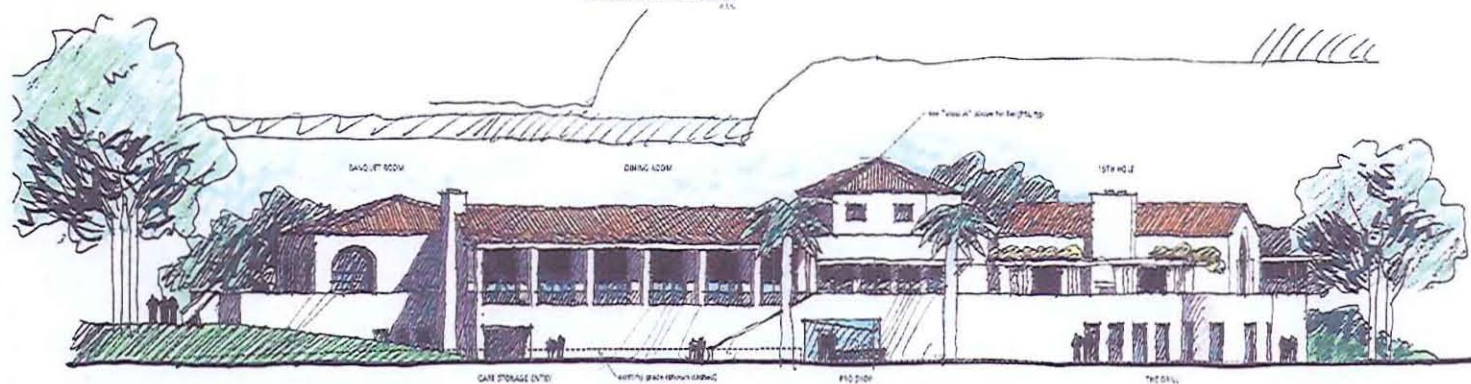
ELEVATIONS

MATERIALS

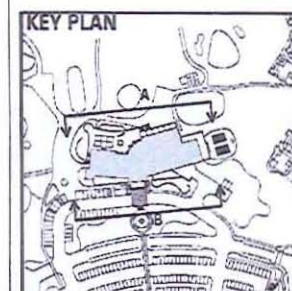
- smooth steel-troweled exterior plaster
- La Playa Beach stone
- Gladding, McBean clay roof tile blend #8 with Italian pans and Cordova covers
- Torrance steel window system



A. VIEW FROM PARKING AREA



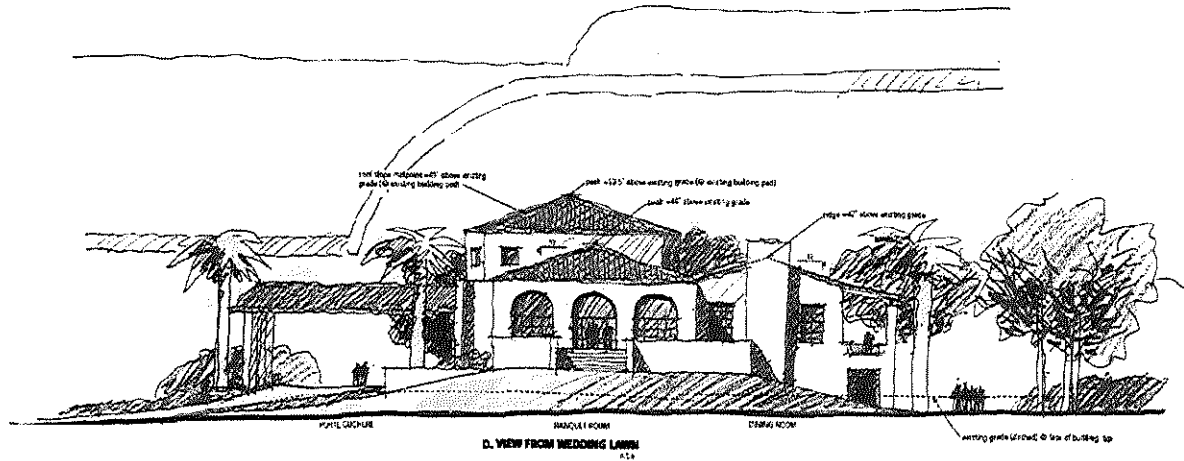
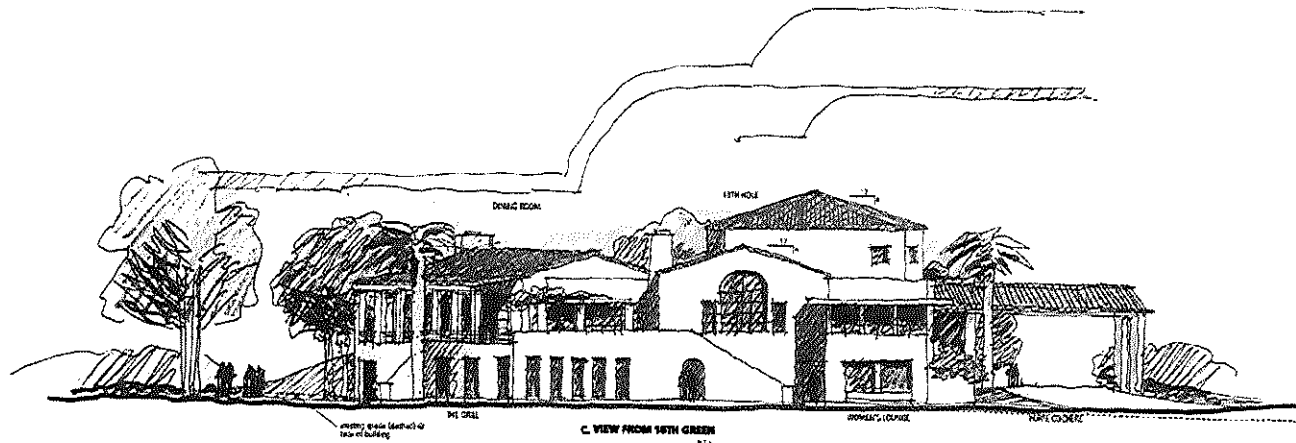
B. VIEW FROM GOLF COURSE



NBCC
Planned Community

stearns
ARCHITECTURE
200 Broadway Laguna Beach, CA 92651
949 376-7140 FAX 949 376-1568

EXHIBIT
5
3 OF 4

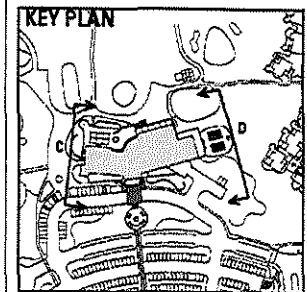


GOLF CLUBHOUSE

ELEVATIONS

MATERIALS

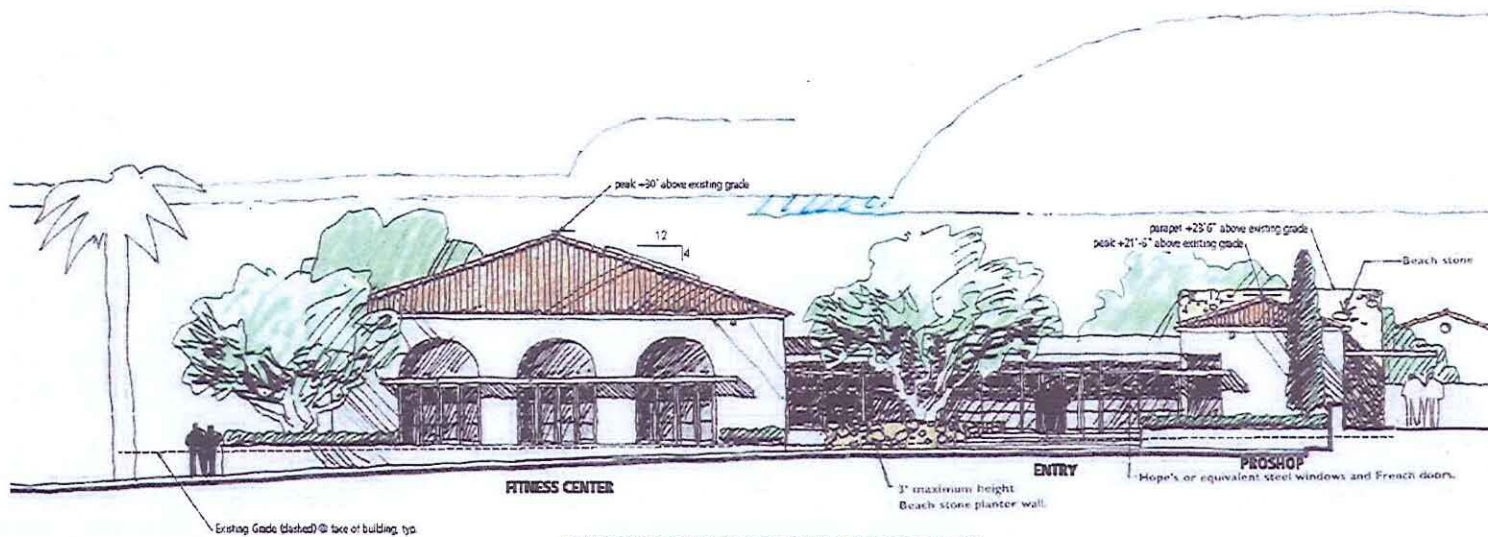
- smooth steel-troweled exterior plaster
- La Playa Beach stone
- Gladding, McBean clay roof tile blend #8 with Italian pans and Cordova covers
- Torrance steel window system



NBCC
Planned Community

STARS
ARCHITECTURE
500 Broadway Laguna Beach, CA 92651
409 376 7160 FAX 409 376 1500

EXHIBIT
5
4 OF 4



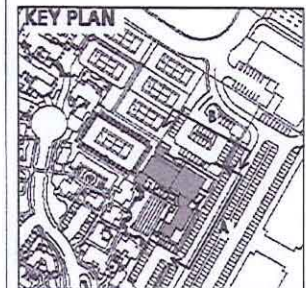
B. VIEW FROM NEWPORT CENTER DRIVE ENTRY
ats

TENNIS CLUBHOUSE & BUNGALOW SPA

ELEVATION

MATERIALS

- smooth steel-troweled exterior plaster
- La Playa Beach stone
- Gladding, McBean clay roof tile blend #8 with Italian pans and Cordova covers
- Torrance steel window system

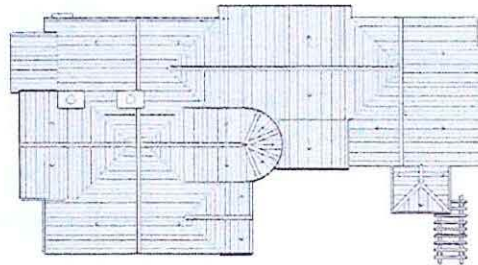


NBCC
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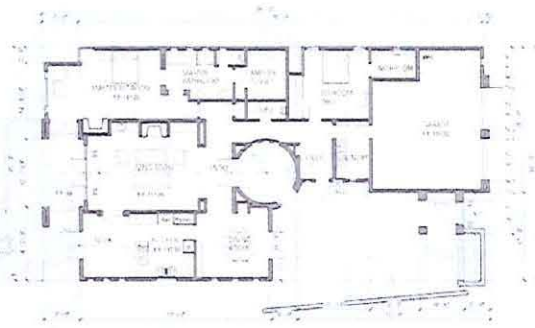
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509 Broadway Laguna Beach, CA 92651
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EXHIBIT
3
3 OF 3





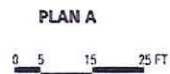
ROOF PLAN



FLOOR PLAN



CONCEPT ELEVATIONS



THE VILLAS FLOOR PLANS & ELEVATIONS

PLAN A
2201 ± square feet

MATERIALS

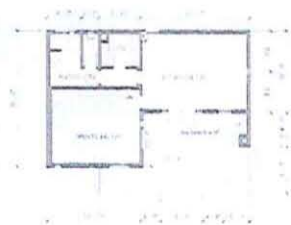
- smooth steel-troweled exterior plaster
- La Playa Beach stone
- Gladding, McBean clay roof tile blend #8 with Berkeley pans and Cordova covers



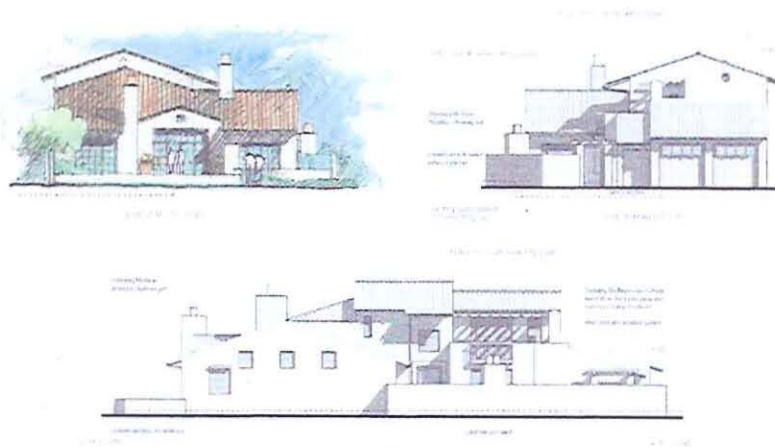
NBCC
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EXHIBIT
6
1 OF 5



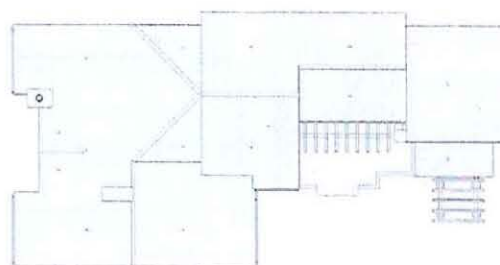
UPPER FLOOR PLAN



CONCEPT ELEVATIONS



LOWER FLOOR PLAN



PLAN B



ROOF PLAN

THE VILLAS

FLOOR PLANS & ELEVATIONS

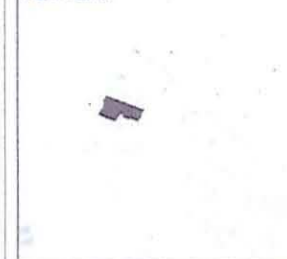
PLAN B

3193 ± square feet

MATERIALS

- smooth steel-troweled exterior plaster
- La Playa Beach stone
- Gladding, McBean clay roof tile blend #8 with Berkeley pans and Cordova covers

KEY PLAN



NBCC
Planned Community

stearns
ARCHITECTURE

500 Broadway Square #400, San Francisco, CA 94104
415 376 1140 FAX 415 376 1140

EXHIBIT

6

2 OF 5



VIEW FROM POINT 1



VIEW FROM POINT 2



VIEW FROM POINT 3



VIEW FROM POINT 4

Attachment No. PC 3

Draft Planned Community
Development Plan

Newport Beach Country Club
Planned Community Development Plan

Date: November 17, 2011

Ordinance No. ____
Adopted _____

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1.0 INTRODUCTION AND PURPOSE

The Newport Beach Country Club Planned Community District (the PCD) is composed of the Golf Club, Tennis Club, Bungalows and Villas facilities, totaling approximately 145 acres. The PCD has been developed in accordance with the Newport Beach General Plan and is consistent with the Local Coastal Land Use Plan.

The purpose of this PCD is to provide for the classification and development of coordinated, cohesive, comprehensive planning project with limited mixed uses, including the private Golf Club, Tennis Club, 27 short-term rental units called the Bungalows with a spa/fitness area, and 5 semi-custom single-unit residential dwellings called the Villas.

Whenever the regulations contained in the PCD Regulations conflict with the regulations of the Newport Beach Municipal Code, the regulations contained in the PCD Regulations shall take precedence. The Newport Beach Municipal Code shall regulate all development within the PCD when such regulations are not provided within the PCD Regulations.

2.0 GENERAL CONDITIONS AND REGULATIONS

1. Alcoholic Beverage Consumption

The consumption of alcoholic beverages within the PCD shall be in compliance with the State of California Department of Alcoholic Beverage Control and the Newport Beach Municipal Code. A use permit shall be required if the establishment operates past 11:00 p.m. any day of the week and a minor use permit shall be required if the establishment operates until 11:00 p.m. any day of the week.

2. Amplified Music

All amplified music played after 10:00 p.m. within the PCD shall be confined within the interior of a building unless a Special Events Permit is obtained.

3. Archaeological/Paleontological Resources

Development of the site is subject to the provisions of City Council Policies K-5 and K-6 regarding archaeological and paleontological resources.

4. Architectural Design

All development shall be designed with high quality architectural standards and shall be compatible with the surrounding uses. The development should be well-designed with coordinated, cohesive architecture and exhibiting the highest level of architectural and landscape quality in keeping with the PCD's prominent location in the Newport Center Planning Area. Massing offsets, variation of roof lines, varied textures, openings, recesses, and design accents on all building elevations shall be provided to enhance the architectural style. Architectural treatments for all ancillary facilities (i.e. storage, truck loading and unloading, and trash enclosures) shall be provided.

5. Building Codes

Construction shall comply with applicable provisions of the California Building Code and the various other mechanical, electrical and plumbing codes related thereto as adopted by the Newport Beach Municipal Code.

6. Exterior Storage Areas

There shall be no exterior storage areas permitted with the exception of the greenskeeper/maintenance area which shall be enclosed by a minimum six foot plastered block wall.

7. Flood Protection

Development of the subject property will be undertaken in accordance with the flood protection policies of the City.

8. Grading and Erosion Control

Grading and erosion control measures shall be carried out in accordance with the provisions of the Newport Beach Excavation and Grading Code and shall be subject to permits issued by the Community Development Department.

9. Gross Floor Area

Gross floor area shall be defined as the total area of a building including the surrounding exterior walls.

10. Height and Grade

The height of any structure within the PCD shall not exceed fifty (50) feet, unless otherwise specified. The height of a structure shall be the vertical distance between the highest point of the structure and the grade directly below. In determining the height of a sloped roof, the measurement shall be the vertical distance between the grade and the midpoint of the roof plane, provided that no part of the roof shall be extend more than five (5) feet above the permitted height in the height limitation zone, and any amendments shall be subject to the review and approval of the Community Development Director.

11. Landscaping/Irrigation

Landscaping and irrigation shall be provided in all areas not devoted to structures, parking lots, driveways, walkways, and tennis courts to enhance the appearance of the development, reduce heat and glare, control soil erosion, conserve water, screen adjacent land uses, and preserve the integrity of PCD. Landscaping and irrigation shall consist of a combination of trees, shrubs, groundcover and hardscape improvements. Landscaping shall be prepared in accordance with the Landscaping Standards and Water-Efficient Landscaping Sections of the Newport Beach Municipal Code and installed in accordance with the approved landscape plans prepared by a licensed landscape architect.

12. Lighting – Outdoor

All new outdoor lighting shall be designed, shielded, aimed, located and maintained to shield adjacent uses/properties and to not produce glare onto adjacent uses/properties. Lighting plans shall be prepared in compliance with the Outdoor Lighting Section of the Newport Beach Municipal Code and shall be prepared by a licensed electrical

engineer. All lighting and lighting fixtures that are provided shall be maintained in accordance with the approved lighting plans.

13. Lighting – Parking & Walkways

All lighting and lighting fixtures that are provided shall be maintained in accordance with the approved lighting plans. Light standards within parking lots shall be the minimum height required to effectively illuminate the parking area and eliminate spillover of light and glare onto adjoining uses/properties and roadways.

Parking lots and walkways accessing buildings shall be illuminated with a minimum of 0.5 foot-candle average on the driving or walking surface during the hours of operation and one hour thereafter. Lighting plans shall be prepared in compliance with the Outdoor Lighting Section of the Newport Beach Municipal Code and shall be prepared by a licensed electrical engineer.

If the applicant wishes to deviate from this lighting standard, a lighting plan may be prepared by the applicant and submitted to the Community Development Director for review and approval.

14. Loading Areas for Non-Residential Uses

All loading and unloading of goods delivery shall be performed onsite. Loading platforms and areas shall be screened from public view.

15. Parking Areas

Parking spaces, driveways, maneuvering aisles, turnaround areas, and landscaping areas of the parking lots shall be kept free of dust, graffiti, and litter. All components of the parking areas including striping, paving, wheel stops, walls, and light standards of the parking lots shall be permanently maintained in good working condition. Access, location, parking space and lot dimensions, and parking lot improvements shall be in compliance with the Development Standards for Parking Areas Section of the Newport Beach Municipal Code.

16. Property Owner Approval

Written property owner approval shall be required for the submittal of any site development review application and/or prior to grading and/or building permit issuance.

17. Outdoor Paging

Outdoor paging shall be permitted at the Golf Club to call individuals to the tees and at the Tennis Club to call points during tennis tournaments.

18. Sewage Disposal

Sewage disposal service facilities for the PCD will be provided by Orange County Sanitation District No. 5 and shall be subject to applicable regulations, permits and fees as prescribed by the Sanitation District.

19. Screening of Mechanical Equipments

All new mechanical appurtenances (e.g., air conditioning, heating, ventilation ducts and exhaust vents, swimming pool and spa pumps and filters, transformers, utility vaults and emergency power generators) shall be screened from public view and adjacent land uses. The enclosure design shall be approved by the Community Development Department. All rooftop equipment (other than vents, wind turbines, etc.) shall be architecturally treated or screened from off-site views in a manner compatible with the building materials prior to final building permit clearance for each new or remodeled building. The mechanical appurtenances shall be subject to sound rating in accordance with the Exterior Noise Standards Section of the Newport Beach Municipal Code. Rooftop screening and enclosures shall be subject to the applicable height limit.

20. Screening of the Villas from Tennis Courts

Adequate buffering between the Villas and tennis courts shall be provided and subject to the Site Development Review process. The exterior perimeter of the tennis courts facing Granville Condominiums, Granville Drive, and the Tennis Clubhouse parking lot shall be screened by a minimum ten-foot high chain link fence covered by a wind screen. Wind screen shall be maintained in good condition at all time.

21. Screening of the Villas' Pool/Spa Equipment

All pool and/or spa equipment shall be enclosed by a minimum five-foot high block wall plastered or otherwise textured to match the building.

22. Special Events

Temporary special community events, such as such as PGA Senior Classic golf tournaments, Team Tennis, Davis Cup Matches, and other similar events, are permitted in the PCD, and are subject to the Special Events Chapter of the Newport Beach Municipal Code. Temporary exterior storage associated with approved special events may be permitted provided it is appropriately screened and regulated with an approved Special Event Permit.

23. Temporary Structures and Uses

Temporary structures and uses, including modular buildings for construction-related activities are permitted.

24. Trash Container Storage for Residential Dwellings-

Trash container storage shall be out of view from public places, and may not be located in the required parking areas. If trash container storage areas cannot be located out of public view, they shall be screened from public view. Screening shall consist of fences, walls, and landscaping to a height at least 6 inches above the tops of the containers.

25. Trash Enclosures for Non-Residential Uses

All trash enclosures for non-residential uses shall be provided and in accordance with the Solid Waste and Recyclable Materials Storage of the Newport Beach Municipal Code.

26. Tennis Club Site Phasing Plan-

The phasing plan for the tennis club site which consists of the tennis club, villas and bungalows shall be subject to a site development review process.

27. Water Service

Water service to the PCD will be provided by the City of Newport Beach and will be subject to applicable regulations, permits and fees as prescribed by the City.

3.0 LAND USE AND DEVELOPMENT REGULATIONS

3.1 Golf Club

Refer to Exhibit B - Conceptual Master Site Plan for the general location and placement of the golf course and clubhouse.

A. Golf Course

An 18-hole championship golf course and related facilities (i.e. putting green, driving range, snack bar, starter shack, restroom facilities, etc.).

B. Golf Clubhouse and Ancillary Uses

1. Building Area

The maximum allowable gross floor area for a golf clubhouse building shall be 35,000 square feet, exclusive of any enclosed golf cart storage areas ramp and washing area. The greens keeper/maintenance buildings, snack bar, separate golf course restroom facilities, starter shack, and similar ancillary buildings are exempt from this development limit.

2. Building Height

The maximum allowable building height for the Golf Clubhouse shall be 50 feet and shall be measured in accordance with the Height and Grade definition of Section 2.0 General Conditions and Regulation of the PCD.

3. Permitted Ancillary Uses

The following ancillary uses are allowed:

- Golf shop
- Administrative Offices
- Dining, and event areas
- Kitchen & Bar areas
- Banquet Rooms
- Men and Women's Card Rooms
- Health and fitness facility
- Restroom and Locker facilities
- Golf Club storage areas
- Employee lounge/lunch areas
- Meeting rooms
- Golf Cart Parking Storage and Washing Area
- Separate Snack Bar

- Separate Starter Shack
- Separate Golf Course Restrooms
- Hand Carwash Area
- Greenskeeper Maintenance Facility
- Temporary Construction Facilities
- Guard House
- Others (subject to an approval of the Community Development Director)

4. Parking

Parking for the Golf Course and Golf Clubhouse shall be in accordance with following parking ratios (source: from Table 2 of the Circulation and Parking Evaluation by Kimley-Horn and Associates, Inc., September 2009 for Newport Beach Country Club – Clubhouse Improvement Project):

Golf Course: 8 spaces per hole

Golf Clubhouse:

Dining, assembly & meeting rooms: 1 per 3 seats or 1 per 35 square feet

Administrative Office: 4 per 1,000 square feet

Pro Shop: 4 per 1,000 square feet

Maintenance Facility: 2 per 1,000 square feet

Health and Fitness Facility: 4 per 1,000 square feet

The design of the parking lot and orientation of vehicular aisles and parking spaces shall be subject to the review and approval of the City Traffic Engineer and Community Development Director.

5. Fencing

Golf Course perimeter fencing shall be wrought-iron with a maximum permitted height of six (6) feet.

3.2 Tennis Club

Refer to Exhibit B - Conceptual Master Site Plan for the general location and placement of the tennis courts and clubhouse.

A. **The Tennis Courts**

1. Number of courts

The maximum allowable tennis courts shall be seven lighted tennis courts (six lighted championship courts and one lighted stadium-center court).

B. Tennis Clubhouse and Ancillary Uses

1. Building Area

The maximum allowable gross floor area for the Tennis Clubhouse shall be 3,725 square feet.

2. Building Height

The maximum allowable building height for the Tennis Clubhouse shall be 30 feet, and shall be measured in accordance with the Height and Grade definition of Section 2.0 General Conditions and Regulations of the PCD.

3. Permitted Ancillary Uses

The following ancillary uses are allowed:

- Tennis Shop
- Administrative Offices
- Concessions
- Restroom and Locker facilities
- Storage areas
- Spectator seating
- Others (subject to an approval of the Community Development Director)

4. Parking

Parking for the Tennis Clubhouse and Courts shall be a minimum of 28 parking spaces.

3.3. The Villas

Refer to Exhibit B - Conceptual Master Site Plan for the general location and placement of the villas.

1. Number of Units

The maximum allowable number of single-family residential units shall be five (5).

2. Development Standards

The following development standards shall apply to the Villas:

The Villas Development Standards Table

Villa Designation	Villa A TTM Lot #1	Villa B TTM Lot #2	Villa C TTM Lot #3	Villa D TTM Lot #4	Villa E TTM Lot #5
Lot Size	5,000 square feet minimum				
Lot Coverage (Maximum)	70%	65%	55%	40%	55%
Building Height	39 feet, measured in accordance with the Height and Grade definition of Section 2.0 General Conditions and Regulations				
Building Side Yard Setbacks	3 feet minimum				
Building Front and Rear Yard Setbacks	5 feet minimum				
Enclosed Parking Space for Each Unit	2	2	3	3	2
Open Guest Parking Space for Each Unit	One space - could be located on the private driveway – No overhang to the private street/cul-de-sac is allowed				

3.4. The Bungalows

Refer to Exhibit B - Conceptual Master Site Plan for the general location and placement of the bungalows, concierge and guest center, and spa facility.

1. Number of Units

The maximum allowable number of the Bungalows shall be 27 short-term guest rental units to be built in a clustered setting of single and two-story buildings.

2. Permitted Ancillary Uses

The following ancillary uses are allowed:

- Concierge office and guest meeting facility
- Swimming pool and Jacuzzi
- Spa facility that includes treatment rooms, fitness areas, and snack bar serving drinks, snacks and light breakfast and lunch items

3. Building Area

The maximum allowable gross floor area for the bungalows shall be 28,300 square feet with a 2,200 square foot concierge & guest center and a 7,500 square-foot spa facility.

4. Building Height

The maximum allowable building height for the bungalows shall be 31 feet, measured in accordance with the Height and Grade definition of Section 2.0 General Conditions and Regulations of the PCD.

5. Building Setbacks

The setback requirement shall be a minimum of 5 feet from any property line.

6. Parking

Parking for the bungalows shall be a minimum of 34 parking spaces located in proximity to the use.

3.5 Signs

A. Sign Allowance

1. One (1) single or double-faced, ground-mounted entrance identification sign shall be allowed at Newport Beach Tennis Club's main entrance (Country Club Drive and Irvine Terrace). Total maximum signage area shall not exceed seventy-five (75) square feet and shall not exceed five (5) feet in height.
2. One (1) single or double-faced, ground-mounted entrance identification sign shall be allowed at or near the vicinity of the Newport Beach Country Club's secondary entrance (Granville). Total maximum signage area shall not exceed seventy-five (75) square feet and shall not exceed five (5) feet in height.
3. Building identification signs shall be allowed; one for each street frontage. If freestanding, this sign type shall not exceed a maximum height of five (5) feet in height. The maximum signage area shall not exceed seventy (70) square feet.
4. Vehicular and pedestrian directional signs shall be allowed. This sign type may occur as a single-faced or double-faced sign. The sign shall be sized to allow for proper readability given the number of lines of copy, speed of traffic, setback off the road and viewing

distance. This sign type shall not exceed a maximum of six (6) feet in height.

5. One (1) single or double faced, ground-mounted identification sign shall be allowed at the entrance road to the Bungalows. Total maximum signage area shall not exceed seventy-five (75) square feet and shall not exceed five (5) feet in height and fifteen (15) feet in length.

B. Sign Standards

1. The design and materials of all permanent signs in the Newport Beach Country Club Planned Community District shall be in accordance with Sign Section 3.5, unless otherwise approved by the Community Development Director.
2. All permanent signs shall be subject to a sign permit issued by the Community Development Department.
3. All signs shall be subject to the review of the City Traffic Engineer to ensure adequate sight distance in accordance with the provisions of the Newport Beach Municipal Code.
4. Sign illumination is permitted for all sign types. No sign shall be constructed or installed to rotate, gyrate, blink or move, or create the illusion of motion, in any fashion.
5. All permanent signs together with the entirety of their supports, braces, guys, anchors, attachments and décor shall be properly maintained, legible, functional and safe with regards to appearance, structural integrity and electrical service.
6. Temporary signs that are visible from any public right-of-way shall be allowed up to a maximum of sixty (60) days and subject to a temporary sign permit issued by the Community Development Department.
7. If the applicant wishes to deviate from the sign standards identified herein, a comprehensive sign program may be prepared or a modification permit application may be submitted for review and consideration by the Zoning Administrator in accordance with the applicable provisions of the Newport Beach Municipal Code.

4.0 SITE DEVELOPMENT REVIEW

4.1 Purpose

The purpose of the Site Development Review process is to ensure new development proposals within the Newport Beach Country Club Planned Community Development are consistent with the goals and policies of the General Plan, provisions of this Planned Community Development Plan, the Development Agreement and the findings set forth below in sub-section 4.3.

4.2 Application

An approval of Site Development Review application by the Planning Commission shall be required for the construction of any new structure prior to the issuance of a grading or building permit or issuance of an approval in concept for Coastal Commission. Signs, , tenant improvements to any existing buildings, kiosks, and temporary structures are exempt from the site development review process and subject to the applicable City's permits. The decision of Planning Commission is the final, unless appealed in accordance with the Newport Beach Municipal Code.

4.3. Findings

In addition to the general purposes set forth in sub-section 4.1 and in order to carry out the purposes of this chapter as established by said section, the Site Development Review procedures established by this Section shall be applied according to and in compliance with the following findings:

1. The development shall be in compliance with all other provisions of the Planned Community District Plan;
2. The development shall be compatible with the character of the neighboring uses and surrounding sites and shall not be detrimental to the orderly and harmonious development of the surroundings and of the City;
3. The development shall be sited and designed to maximize the aesthetic quality of the project as viewed from surrounding roadways and properties, with special consideration given to the mass and bulk of buildings and the streetscape on Coast Highway; and

4. Site plan and layout of buildings, parking areas, pedestrian and vehicular access ways, landscaping and other site features shall give proper consideration to functional aspects of site development.

4.4. Contents

The Site Development Review application shall include all of the information and materials specified by the Community Development Director and any additional information review by the Planning Commission in order to conduct a thorough review of the project in question. The following plans/exhibits may include, but not limited to the following:

1. An aerial map showing the subject property, adjacent properties and identifying their uses.
2. Comprehensive elevations and floor plans for new structures with coordinated and complimentary architecture, design, materials and colors.
3. A parking and circulation plan showing golf cart and pedestrian paths in addition to streets and fire lanes.
4. A comprehensive, cohesive and coordinated preliminary landscape plan.
5. A comprehensive, cohesive and coordinated lighting plan showing type, location and color of all exterior lighting fixtures.
6. Comprehensive text and graphics describing the design philosophy for the architecture, landscape architecture, material and textures, color palette, lighting, and signage.
7. Text describing drainage and water quality mitigation measures.
8. A statement that the proposed new structure is consistent with the goals, policies, and actions of the General Plan and Planned Community Development Plan.

4.5 Public Hearing –Required Notice

A public hearing shall be held on all site development review applications. Notice of such hearing shall be mailed not less than ten (10) days before the hearing date, postage prepaid, using addresses from the last equalized assessment roll or, alternatively, from such other records as contain more recent addresses, to owners of property within a radius of three hundred (300) feet of the exterior boundaries of the subject property. It shall be the responsibility of the applicant to obtain and provide to the City the names and addresses of owners as required by this Section. In addition to the mailed notice, such hearing shall be posted in

not less than two (2) conspicuous places on or close to the property at least ten (10) days prior to the hearing.

4.6 Expiration and Revocation Site Development Review Approvals

1. Expiration. Any site development review approved in accordance with the terms of this planned community development plan shall expire within twenty-four (24) months from the effective date of final approval as specified in the Time Limits and Extensions Section of the Newport Beach Municipal Code, unless at the time of approval the Planning Commission has specified a different period of time or an extension is otherwise granted.
2. Violation of Terms. Any site development review approved in accordance with the terms of this planned community development plan may be revoked if any of the conditions or terms of such site development review are violated or if any law or ordinance is violated in connection therewith.
3. Public Hearing. The Planning Commission shall hold a public hearing on any proposed revocation after giving written notice to the permittee at least ten (10) days prior to the hearing, and shall submit its recommendations to the City Council. The City Council shall act thereon within sixty (60) days after receipt of the recommendation of the Planning Commission.

4.7. Fees

The applicant shall pay a fee as established by Resolution of the Newport Beach City Council to the City with each application for Site Development Review under this planned community development plan.

Attachment No. PC 4

Conversion of Tennis Courts
to Floor Area or Hotel Rooms
Memorandum

Memorandum

To: Planning Commission
From: James Campbell, Principal Planner 
Date: November 9, 2011
Re: Newport Beach Country Club – Golf Realty Fund Application
Conversion of Tennis Courts to Hotel Rooms
General Plan Consistency Determination

During the October 20, 2011, hearing on the project, the owner of the Marriott Hotel property, Host Hotels and Resorts (“Host”), proposed a “use conversion solution” as an alternative to the applicant’s request for a transfer of development intensity. The alternative approach is based upon the assumption that the eliminated tennis courts’ have a development intensity that can be converted to hotel rooms or building floor area. Host asserts that sufficient traffic capacity exists, that there is no limit to the number of hotel rooms in Statistical Area L1 (Newport Center), the conversion would not set a precedent, and there is no apparent constraint on conversion to a building (floor area). Although traffic is not an issue, staff does not believe the conversion of tennis courts to building floor area is consistent with the General Plan, the basis of staff’s conclusion is described below.

Traffic

The applicant’s proposed 27-room hotel generates fewer average daily trips and peak hour trips than the traffic trips attributable to the 17 tennis courts that would be eliminated¹. The net effect is an overall reduction of trips and the avoidance of any significant traffic impact². Staff concurs that the conversion of tennis courts to hotel rooms would not create a traffic impact and no mitigation would be necessary.

¹ Traffic and Parking Analysis for Newport Beach County Club, Clubhouse Improvement and Tennis Improvement project, Kimly-Horn and Associates, August 2009.

² Initial Study/Mitigated Negative Declaration for the Newport Beach County Club (PA2005-140), Keeton Kreitzer Consulting, September 2010.

Hotel Limit within Statistical Area L1 (Newport Center)

Host states that there is no overall General Plan limit to hotel rooms within Newport Center; however, staff believes that this assertion is only partially correct, because the construction of any new hotel rooms must be consistent with the overall non-residential development intensity established for Newport Center. There are two sites within Newport Center that have a specific allocation for hotel rooms; the Marriot Hotel property and the Island Hotel property. The MU-H3 land use category also provides an additional 65 rooms. Despite these specific allocations, other commercial sites within Newport Center are allowed to construct hotels provided the zoning or planned community development regulations permit hotels and the property has building floor area that is sufficient to accommodate the proposed hotel.

Precedent

The project site is within Anomaly Location #46, which specifically calls out a limit of 24 tennis courts and 3,725 square feet of building area. Staff believes the proposed conversion would set a precedent for other property since the conversion would create building floor area that is not provided in this Anomaly Location by the Land Use Element, as discussed further below.

No Constraint to Conversion of Tennis Courts to Floor Area

Staff disagrees with Host's assertion that there is no constraint to converting tennis courts to hotel rooms or building floor area. General Plan Land Use Element Policy LU4.1 establishes maximum development intensities³ through the Land Use Maps (Figures LU1 through LU15), specific land use categories (Table LU1), and the Anomaly Table (LU2). Development of the project must be consistent with the site's land use classification and may not exceed applicable development intensity limits.⁴ However, Policies LU4.3 and 6.14.3 allow for transfers of development intensity from one site to another within a Statistical Area provided the intent of the General Plan is maintained and there are no traffic impacts as a result. In the simplest terms, a recipient site may exceed its specified development intensity limit to the extent that the donor site is reduced to ensure that the total development intensity of the

³ Development intensity identified by Policy LU4.1 are maximum limits for development and cannot be considered an "entitlement" until a vested right is conveyed either through a Development Agreement or entitlement approval and construction. Development is subject to other applicable policies of the General Plan and Municipal Code as well as other applicable government regulations.

⁴ LU4.1 establishes maximum non-residential development intensities in five (5) ways; 1) floor area, 2) floor area ratios, 3) hotel rooms, 4) theater seats, and 5) tennis courts.

larger Statistical Area is not exceeded. Statistical Area L1 represents Newport Center and includes the project site.

The Tennis Club portion of the project site is classified "MU-H3/PR" by the Land Use Maps. The dual classification allows uses and development limits specified by both the MU-H3 and PR classifications. The MU-H3 classification allows for the horizontal intermixing of regional commercial office, hotel, multi-family residential and ancillary commercial uses. Within the project site, residential uses may be developed as single family units, but must be allocated to the Anomaly Location through the approval of a Site Development Plan or Development Agreement. A maximum of 65 hotel rooms and 450 residential units are allocated to the various properties designated MU-H3 within Newport Center in addition to those development intensities specified in Table LU2⁵. The PR designation applies to land used or proposed for active public or private recreational use. Permitted uses include parks (both active and passive), golf courses, marina support facilities, aquatic facilities, tennis clubs and courts, private recreation, and similar facilities. There is no applicable maximum density or intensity limit of for public uses. Private uses in this category may include incidental buildings, such as maintenance equipment sheds, supply storage, and restrooms, not included in determining intensity limits. For golf courses, these uses may also include support facilities for grounds maintenance employees. "Other types of buildings and developments are limited as specified in Table LU2."

Table LU2 establishes two maximum development limits for the project site (Anomaly Location #46):

- 1) 3,725 gross floor area (GFA) and
- 2) 24 tennis courts.

These development limits reflect the existing "built" condition of the Newport Beach Tennis Club.

Conclusion

In summary, staff believes the proposal to convert eliminated tennis courts to hotel rooms or building floor area does not create a traffic impact; however the proposed conversion does

⁵ The 65 hotel rooms and 430 residential units were entitled to the Irvine Company with the adoption of Development Agreement No. DA2007-002 and allocated within the North Newport Planned Community, and therefore, zero hotel rooms and 20 residential units remain for entitlement to any property classified MU-H3.

increase development intensity above the limit established by the General Plan for Anomaly Location #46. The proposed 3,725 GFA tennis clubhouse is expressly allowed in Table LU2 and the proposed 5-single family homes are expressly allowed by the MU-H3 land use category provided in Table LU-1 of the General Plan. The General Plan allows the proposed transfer of 27 hotel rooms through approval of a transfer of development intensity, and the applicant has duly filed such an application

Staff believes that the only other appropriate alternative to allow the 27 hotel rooms to be constructed in Anomaly Location #46 is through the review and approval of a General Plan Amendment.

Attachment No. PC 5

Comparison Site Plans



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Golf Realty Fund
One Upper Newport Plaza
Newport Beach, California 92660

Attn. **Robert O Hill / ROH@GolfRealtyFund.com**

Regarding: **Newport Beach Country Club**
Newport Beach, California

From **Leland Stearns**

Leland N Stearns

PROJECT DESCRIPTION

Attached is a revised Master Plan Compromise 9 and 10 responsive to Lee & Sakahara's comment letter dated November 2, 2011.

In my professional opinion, 1) Master Plan Compromise 9 and 10 show that the IBC Golf Clubhouse and the GRF Golf Parking Lot Design can easily work together with IBC's cooperation and 2) GRF's Golf Parking Lot design shown on Master Plan Compromise 9 and 10 is a much better aesthetic and pedestrian solution than IBC's golf parking lot.

Below is a detailed response to Lee & Sakahara's letter with their comments shown first in black followed by my responses in blue italics.

- Plan indicates 334 parking spaces but actual count is 327 plus 5 spaces in the Maintenance Yard total count = 332 spaces

Please see the attached Master Plan Compromise 9 and 10 where an additional 7 parking spaces have been added and 5 spaces in maintenance yard eliminated for a total of 334. (Parking Required is 244 spaces) If the GRF Golf Parking Lot design is adopted GRF has agreed to make available to IBC the non-exclusive parking easement over Corporate Plaza West for weekends and holidays for an additional 554 additional parking spaces.

- Plan does not address existing access easement. If easement is maintained, this will further reduce parking spaces.

The Frontage Road Easement has been terminated. Planning Commission at their hearing indicated that they unanimously desire a Master Plan without the hazardous and unsightly Frontage Road. If Frontage Road remains the primary loss will be to the significant landscape buffer along PCH and traffic safety.

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- Plan does not allow semi-trucks to maneuver in the parking lot. No staging areas for major events.

Please see the LSA Study and Stearns Architecture prior Major Tournament Staging Plan demonstrating that trucks can maneuver in the parking lot and staging areas for major events can be accommodated.

- Plan reduces the upper level prime parking by 32 spaces.

The IBC plan has approximately 80 cars in the upper level parking area. The GRF has 57 cars in the upper level parking area. The GRF plan makes all the parking better and does not have the significant grade difference between prime golf parking and secondary parking shown in the IBC plan requiring stairways with an extensive number of steps from the very large secondary parking area. Master Plan Compromise 9 and 10 has 2 additional parking stalls adjacent to the Golf Clubhouse.

- Plan provides only one sidewalk in the parking lot. Travel distance to the sidewalk at the east parking lot is approximately 290' and approximately 230' at the west parking lot. This layout will encourage members to "cut through" the landscaped islands and between cars (shortest path to the front door).

Two more pedestrian sidewalks have been added in attached Compromise 9 and 10. The Master Plan Compromise 9 and 10 is more pedestrian and golf cart friendly. (See the LSA Study)

- The primary access to parking from the Porte Cochere is offset requiring two turns to access parking lot.

With both the GRF and the IBC plans there are two turns. With Master Plan Compromise 9 and 10 there are two turns when leaving the Porte Cochere and going to the parking area. With the IBC's schematic plan there are two turns when leaving the parking area and returning to the Porte Cochere.

- Plan encroaches 10'-20' into the golf course at the 18th green area.

Please see the revised Master Plan Compromise 9 and 10 which eliminates encroachment.

- Plan encroaches into Maintenance Yard.

Please see Master Plan Compromise 9 and 10, which eliminates this very minor encroachment.

- 5 spaces in the Maintenance yard should be deleted. This space is allocated for golf course maintenance bins.

See attached Master Plan Compromise 9 and 10 where the 5 spaces in the Maintenance Yard have been deleted.



- Due to the terraced parking concept, taller plant material will be required to effectively conceal the automobiles. See attached section.

With the terraced design the goal is not to conceal the cars but to mitigate the "Sea of Asphalt" and to create a far more aesthetic environment and public view from PCH. Much of the time the parking lot is mostly empty.

- Plan indicates reduced service yard.

Please see the attached Master Plan Compromise 9 and 10 with no reduction to Maintenance Yard area.

- Plan indicates an 85' driveway along Coast Highway between NBCC and the Nursery. City may have some issues.

Please see Master Plan Compromise 9 and 10, which eliminates the 85' driveway and is now identical to IBC's Preliminary Site Plan.

- Orientation of the Clubhouse has changed.

The Clubhouse has been very slightly rotated. See the dashed line on the attached GRF Master Plan Compromise 9 and 10.

